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57

VOLUME NO. ....

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

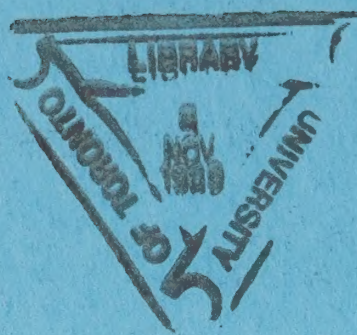
Date... **Tuesday Oct. 2/62.**

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Supreme Court Reporters  
145 Yonge St.  
Toronto









VOLUME 57

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TUESDAY, OCTOBER 2, 1962

---On resuming at 10:25 o'clock a.m.

THE COMMISSIONER: Gentlemen, we will not have a morning recess and we will adjourn at twelve o'clock so that I may attend a funeral, and we will then resume in the neighbourhood of two-thirty.

MR. WILSON: I am calling Mr. Gudney this morning.

ROBERT J. CHENEY, recalled

EXAMINED BY MR. WILSON:

Q. You have before you a copy of Exhibit 272 ---

THE COMMISSIONER: Wait until I get those things that I left on my desk.

MR. WILSON: The Italo ---

THE WITNESS: Yes, I have the list.

MR. WILSON: Q. Were copies of these made for counsel?

A. I don't think so.

Q. You recall that on Exhibit 272, Mr. Yarenko dealt with the last five named club, and they were during his period in office, and the other clubs listed there, Mr. Gudney, you are to deal with.





# DECLARATION

IN WITNESS WHEREOF, I have hereunto set my hand and seal at the City of New York, this 1st day of January, 1901.

JOHN J. HENNESSY, Mayor of the City of New York.

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JOHN J. HENNESSY, Mayor of the City of New York.



1 A. Yes.

2 Q. Starting with the Italo-

3 Canadian Recreation Club.

4 THE COMMISSIONER: May I see it here?

5 A. Certainly.

6 Would you like me to read it, Mr.

7 Wilson?

8 MR. WILSON: Q. Well, just any

9 way you see fit. Well now, you haven't got  
10 an extra copy of it for me, have you?

11 A. I haven't, no, Mr. Wilson,  
12 I'm sorry.

13 Q. Yes.

14 A. The Italo-Canadian Recreation  
15 Club filed an application on June 28th, 1954 ---

16 THE COMMISSIONER: From what are you  
17 reading?

18 A. Well, ---

19 Q. Do I have a copy of that?

20 MR. WILSON: I believe, my lord, you  
21 do. I believe there is one, Mr. Commissioner,  
22 and I think the Registrar has it. I don't  
23 know what he is reading from - the Registrar  
24 would.

25 THE COMMISSIONER: Yes.

26 THE WITNESS: The Italo-Canadian  
27 Recreation Club application filed June 28th,  
28 1954:

29 " It is assumed that this  
30 "reference is to Italo-Canadian





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1 "Recreation Club (Fort Erie).  
2 "On June 28th, 1954, application  
3 "referred to Chief Constable of Fort  
4 "Erie, and Deputy Commissioner of  
5 "O.P.P. Report of Chief Constable  
6 "dated July 5, 1954, states that he  
7 "has no objection to incorporation.  
8 "Reports of O.P.P. dated July 21,  
9 "1954 and July 23, 1954, suggest  
10 "that other applicants be appointed  
11 "to take the place of three names  
12 "persons in report. Application  
13 "redrawn with three persons in  
14 "question not appearing as  
15 "applicants. Letter from Depart-  
16 "ment to O.P.P. dated October 18, 1954,  
17 "stating that on this basis the  
18 "Department understands that O.P.P.  
19 "has no objection to incorporation.  
20 "Letters patent cancelled on  
21 "February 8, 1960, for default  
22 "in filing annual returns.  
23 " The name of this club should  
24 "appear in Appendix F, but  
25 "apparently it was overlooked in  
26 "compiling the list."  
27 THE COMMISSIONER: Where are the persons  
28 whose names were deleted as original applicants?  
29 Show them to me.

30 A. Yes. This, my lord, file was







1 given here and contains the Italo-Recreation  
2 Club, Toronto, as the correct name, and I will  
3 have it in another file.

4 Q. This is the wrong file?

5 A. Yes, sir.

6 THE COMMISSIONER: Exhibit 252 is  
7 the Italo-Niagara Frontier Club.

8 A. That is another club, my lord,  
9 the Italo-Niagara Frontier. This is the  
10 Italo-Canadian Recreation Club, Port Erie.  
11 The Italian Niagara Frontier Club was operated  
12 in Niagara Falls.

13 THE COMMISSIONER: Just a moment, Mr.  
14 Guiney, let's get straightened out. The file  
15 we looked over is the Italian-Canadian  
16 Recreation Club ---

17 A. The Italo-Canadian Recreation  
18 Club, Port Erie.

19 Q. What is the name of the persons  
20 who were deleted as the original applicants?  
21 Have you got the original application?

22 A. No, just a copy. I will  
23 look.

24 Q. Have you got a letter from  
25 the police which objected to --

26 MR. WILSON: This was the report,  
27 my lord, of the Provincial Police.

28 THE COMMISSIONER: Have you seen  
29 this correspondence including the report from  
30





1900

Vol. 1

1. The first part of the book is devoted to a general  
description of the country and its inhabitants.  
2. The second part contains a detailed account of the  
history of the country from the earliest times to the  
present day.  
3. The third part is a collection of laws and customs  
of the country.  
4. The fourth part is a collection of poems and songs  
of the country.  
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legends of the country.  
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figures of the country.  
7. The seventh part is a collection of names of  
places and people of the country.  
8. The eighth part is a collection of maps and  
drawings of the country.  
9. The ninth part is a collection of illustrations  
of the country.  
10. The tenth part is a collection of notes and  
remarks of the country.

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1 the O.P.P.?

2 MR. WILSON: I haven't read them  
3 myself, no, Mr. Commissioner. The notes I  
4 have on that refer to the report by Chief A. Fay  
5 and also a report of the O.P.P. made by  
6 Constable Audsley. I have not had a chance  
7 to read them.

8 THE COMMISSIONER: Well, for the  
9 record in the file is a letter from Tomlinson,  
10 Staff Inspector, from which I quote in part  
11 as follows:

12 " It would appear from the  
13 "investigation carried out by  
14 "Provincial Constable Shrubb that  
15 "if this Club Charter were granted  
16 "in the name of the Italo-Canadian  
17 "Recreation Club (Port Erie) the  
18 "organization would no doubt be  
19 "carried on as a bona fide Social  
20 "Club and, based on the facts as  
21 "related in Provincial Constable  
22 "Shrubb's report, I would approve of  
23 "the issuing of this Charter,  
24 "with reservations.

25 " You will note in paragraph  
26 "six that Mrs. Rose Curletto, the  
27 "wife of Carlo Curletto - one of  
28 "the applicants - residing at the  
29 "premises 264 Jarvis Street,  
30 "Town of Port Erie, as a result of

A/2





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1 "an Order to Search being

2 "executed at the premises

3 "in question, . . ." --

4 I now pause in my reading, and  
5 would enquire, Mr. Cudney, 264 Jarvis Street  
6 was to be the place from which this Italo-  
7 Canadian Recreation Club would operate?

8 A. The application submitted  
9 was not to cover the premises to any particular  
10 place, but in the letter to the Provincial  
11 Police the property of the club required was  
12 on the south side of Gilmore, and the north  
13 side of Idylwild in the Town of Fort Erie.

14 Q. All right. That is the  
15 correspondence that I was reading. Picking  
16 up the continuity of the sentence, perhaps  
17 I will repeat:

18 " You will note in paragraph  
19 "six that Mrs. Rose Curlette, the  
20 "wife of Carlo Curlette - one  
21 "of the applicants - residing  
22 "at the premises 264 Jarvis Street,  
23 "Town of Fort Erie, as a result  
24 "of an Order to Search being made  
25 "executed at the premises in  
26 "question, has been charged with  
27 "unlawfully 'Engaging in Book-  
28 "making' contrary to the provisions  
29 "of Section 235(e) of the Criminal  
30 "Code."







1 And further:

2 " You will also note please,  
3 "that Ferdinando Montemarani,  
4 "also an applicant in connection  
5 "with the Club Charter, resides  
6 "at the premises 264 Jarvis  
7 "Street, Town of Port Erie, Ontario,  
8 "and, further, that Walter Harrison Kline,  
9 "another applicant, is a son-in-law  
10 "of Carlo and Rose Gurletto."

11 And the Inspector goes on to say:

12 " I am satisfied that Carlo  
13 "Gurletto must have knowledge  
14 "that his wife was engaging in  
15 "bookmaking, also that Walter  
16 "Harrison Kline, being a member  
17 "of the same family, no doubt would  
18 "have knowledge of what was taking  
19 "place at the premises, 264  
20 "Jarvis Street, Town of Port  
21 "Erie."

22 And it proceeds:

23 " I think before this Club  
24 "Charter is granted that other  
25 "applicants should be appointed  
26 "to take the place of Carlo  
27 "Gurletto, Walter Harrison Kline  
28 "and Ferdinando Montemarani, in  
29 "order that all doubt be removed  
30





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27	the twenty-seventh year of the reign of King Henry the Second
28	the twenty-eighth year of the reign of King Henry the Second
29	the twenty-ninth year of the reign of King Henry the Second
30	the thirtieth year of the reign of King Henry the Second



1 "concerning the aforementioned  
2 "persons.

3 " If the Department of the  
4 "Provincial Secretary is in  
5 "agreement with my recommendation  
6 "then, on the submission of three  
7 "other persons to substitute the  
8 "above mentioned, a further  
9 "investigation should be conducted  
10 "in respect of the applicants  
11 "selected."

12 Q. Then what happened after that,  
13 Mr. Gudney? I suppose they substituted  
14 three others for Curlette, Kline, and  
15 Montemarani?

16 A. Yes.

17 Q. In due course a charter was  
18 issued?

19 A. I see there is a letter to  
20 the Deputy Commissioner of the Provincial Police,  
21 on October 18th:

22 " I refer to the application  
23 "for incorporation under the  
24 "above-named, to our letter of  
25 "June 8th, and your reply of  
26 "July 21st. The application has  
27 "been withdrawn and Ferdinando  
28 "Montemarani, Carlo Curlette,  
29 "and Walter Harrison Kline do not  
30 "now appear as applicants. We





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1 "are proceeding with the  
2 "matter as I understand you  
3 "have no objection to its  
4 "incorporation."

5 THE COMMISSIONER: All right. Then  
6 the charter was subsequent?

7 A. Yes.

8 Q. The date of the incorporation?

9 A. October 8th, 1954 and was  
10 subsequently cancelled for failure to file  
11 annual returns.

12 Q. Cancelled on February 8th,  
13 1960.

14 A. February 8th, yes, I am sorry,  
15 February 8th, 1960.

16 Q. All right.

17 MR. WILSON: Q. Well, the report  
18 I refer to, Mr. Commission, has to do with a  
19 club of a similar name. It was on Mr. Estey's  
20 list, so that I have no knowledge of what  
21 was read in connection - it was Anacostia  
22 Recreation Club, 1959.

23 THE COMMISSIONER: Well, that -  
24 just a minute.

25 MR. WILSON: I am sorry, I was reading  
26 the wrong one - Wong Wing Social Club. I  
27 have two lists before me, Wong Wing Social  
28 Club and ---

29 THE WITNESS: The Department has no  
30





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Sincerely,

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Very truly yours,

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1 record of any incorporation, or any application  
2 for incorporation under this name.

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B/AS/1

1 THE COMMISSIONER: Where did you get the  
2 name of the club, Mr. Wilson?

3 MR. WILSON: I got that from the Ontario  
4 Provincial Police; and it was one where they  
5 said they did not know what disposition had  
6 been given, or had been made of the matter.

7 THE COMMISSIONER: There was not even  
8 a charter issued?

9 MR. WILSON: No.

10 THE WITNESS: We cannot find any application,  
11 my lord.

12 THE COMMISSIONER: All right.

13 MR. WILSON: Q. The next one is Wing Lee  
14 Social Club.

15 A. Application, dated April 1st, 1955.

16 Application referred to the chief constable,  
17 Toronto; the Commissioner of the Provincial  
18 Police, and <sup>to</sup> the Royal Canadian Mounted Police,  
19 in April, 1955.

20 Report of the Mounted Police stated that  
21 there was no objection to the application.  
22 The report of the Provincial Police strongly  
23 recommended against the application. The  
24 report of the Toronto Police strongly opposed  
25 the incorporation. And then, the application  
26 was withdrawn, on a letter from the solicitor,  
27 in October, 1955.

28 I may say, my lord, that this application  
29 does not appear in Appendix I as "rejection"  
30



[illegible]



1 because it was withdrawn. The incorporation  
2 was not granted.

3 Q. The next one is Wang Kung Har Wun Sun  
4 Association.

5 A. The application was received  
6 August 17th, 1956; referred to the Mounted  
7 Police, the Deputy Commissioner of the  
8 Provincial Police, and the Chief of Police  
9 of Toronto, in August, 1956.

10 Report of the Mounted Police dated  
11 August 28th, 1956, stated that they had no  
12 objection to the incorporation.

13 The report of the Toronto Police  
14 recommended that incorporation be refused,  
15 and the report of the Provincial Police, dated  
16 October 25th, 1956, stated that the  
17 organization was a legitimate one, and  
18 should be granted letters patent, provided  
19 that they do something about a certain club  
20 name -- named club there, occupying the  
21 main floor of same building.

22 This, my lord -- this club is also  
23 mentioned on the Metro list, and I have a  
24 little more information perhaps as to the  
25 nature of the report; the nature of the  
26 police reports in regard to this. May  
27 I read this?

28 THE COMMISSIONER: Yes.

29 THE WITNESS: The Toronto Police stated  
30







1 that no records against applicants could be found  
2 in the record, and their report indicated that  
3 premises 111-A Dundas Street West, Toronto,  
4 would be suitable if certain conditions  
5 were fulfilled, such as premises being  
6 confined to the second floor.

7 The report concluded that there are  
8 now nine known Chinese social clubs operating  
9 in the Dundas Street-Elizabeth Street area  
10 and in the Chinese area, and one Wong Kung  
11 Har Wun Sun Association, and that this  
12 application will undoubtedly develop into  
13 a gambling establishment if charter is  
14 granted, and recommended against the granting  
15 of the charter.

16 The Provincial Police indicate they  
17 have nothing against the applicants as far  
18 as they are concerned; there was no indication  
19 of illegal gambling. But they felt it would  
20 be unwise that letters patent be granted to  
21 the Association in question, as long as the  
22 main floor and basement are used for what  
23 appear to be illegal purposes.

24 They further think that the proposed  
25 corporation was a legitimate club, provided  
26 it could do something about another club on  
27 the main floor.

28 And then, in December, the 7th, I wrote  
29 to the Deputy Chief, Deputy Chief Lee, Toronto,  
30





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1       advising him that the Department had carefully  
2       considered the application and decided to  
3       grant the application.

4               Now, I might say, my lord -- and this  
5       is difficult -- but apparently I am advised  
6       that this turned up in our first search.

7               In going through the files and reading  
8       the objects, the objects are not the objects  
9       of a social club. They are: (A) To supply  
10      and render services of a charitable nature  
11      to poor and needy persons.

12              (B)     To promote culture, religion and  
13      education.

14              (C)     To render pecuniary assistance  
15      to members, their families, widows and orphans.

16              (D)     To co-operate with other  
17      organizations whether incorporated or not  
18      which have objects similar in whole or in  
19      part to the objects of the corporation.

20              (E)     To give donations for charitable  
21      or patriotic purposes, to receive gifts and  
22      donations, and to assist in campaigns for  
23      charitable purposes.

24               There was nothing of a social nature,  
25      and I was advised by the Director of Companies  
26      that that was in the other case deleted, and  
27      it did not appear because it was not a social  
28      club.

29               It was referred to the police, but it  
30



1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.

2. The second of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.

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5. The fifth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.

6. The sixth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.

7. The seventh of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.

8. The eighth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.

9. The ninth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.

10. The tenth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the American Friends Service Committee in the United States.



1 was not a social club.

2 MR. WILSON: Q. The next one is the  
3 Victoria Recreation Club.

4 A. Victoria Recreation Club: Date  
5 of application, March 10th, 1958.

6 Application referred to the chief constable,  
7 Stamford Township, and Deputy Commissioner,  
8 Ontario Provincial Police, on March 10th, 1958.

9 Report of Ontario Provincial Police  
10 dated March 21st, and report of Stamford  
11 Township Police Department dated March 26th,  
12 1958, were both opposed to incorporation.

13 The application was refused; the  
14 incorporation was not granted.

15 This should appear in Appendix I, in  
16 the "Rejection", but apparently was over-  
17 looked in the compiling of the list.

18 Q. The Club Metropolis?

19 A. Club Metropolis: Date of  
20 application, November 27th, 1958.

21 Application referred to Deputy Commissioner,  
22 Ontario Provincial Police, and to Chief of  
23 Police, Kitchener, on November 27th, 1958.

24 Reports of Provincial Police and  
25 Kitchener Police both dated December 11th,  
26 1958, and the matter was held in abeyance.

27 Apparently the Provincial Police report --  
28 they were not conclusive from either police  
29 report; it was not conclusive, in that they  
30





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1 wished further names.

2 If I refer from the file, we requested  
3 further names, and they were not submitted.  
4 The application was held in abeyance, and  
5 then the application was not pursued. We  
6 did not hear on the further names, and the  
7 Department treated the application as  
8 abandoned.

9 Now, we do not have anything from the  
10 police one way or another; we feel at this  
11 time that, because the information was not  
12 submitted, this is treated as abandoned;  
13 and for this reason it does not appear in  
14 Appendix I, because it was not a rejection.

15 Q. Peterborough Greek Social Club?

16 A. The date of application, August  
17 5th, 1958.

18 Application referred to Provincial  
19 Police, Chief of Police, Peterborough, and  
20 Mounted Police, on August 5th, 1958.

21 Report of Mounted Police, dated August  
22 10th, 1958, had no objection.

23 Report of Peterborough Police, dated  
24 August 15th, 1958, recommended against  
25 incorporation.

26 Report of Provincial Police, dated  
27 August 15th, 1958, approved incorporation,  
28 but report of Provincial Police dated  
29 December 4th, 1958, rejected approval of  
30





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B/2  
1 incorporation. And the incorporation was  
2 refused. It was refused in September, 1958.

3 This application appears in the  
4 rejections in Appendix I, Part 1, on page 48.

5 Q. "Santa's Helper"?

6 A. "Santa's Helper", date of  
7 application, December 3rd, 1958.

8 Application was referred to the Provincial  
9 Police, and the Chief of Police of Windsor,  
10 on December 23rd, 1958.

11 Report of the Provincial Police Department,  
12 dated January 5th, 1959, stated that this was  
13 not the type of operation which should be  
14 granted incorporation as the main reason  
15 for seeking a charter would appear to be to  
16 conduct lotteries and raffles.

17 The report of the Provincial Police,  
18 dated January 6th, 1959, stated that  
19 incorporation should not be granted as the  
20 moneys collected could easily be converted  
21 to private use.

22 The application was refused on January 7th,  
23 1959.

24 Now, this application does not appear  
25 in Appendix I; apparently the name did not  
26 indicate a social club, and going through  
27 the cards of rejection it was not picked out  
28 as a social club, and that is the only  
29 explanation I can give your lordship.  
30



[illegible]



1 Q. And the next; the next matter  
2 will be to deal with the balance of the names  
3 on Exhibit 273; and I think the first one  
4 that we ought to deal with is the Azzanese  
5 Recreation Club, 1959.

6 A. Azzanese: now, this application  
7 was referred to the -- I think it is the  
8 Toronto Police.

9 The Toronto Police and the Provincial  
10 Police: It appeared from their report  
11 that the applicants were from the Town of  
12 Azzano, in Italy, and meetings were to be  
13 held at a church.

14 The Provincial Police had no objection,  
15 if the premises, the club premises were  
16 restricted to the church or parish hall  
17 of the church.

18 The Metro Police thought that the  
19 issuance of several charters to groups in  
20 the same church was unnecessary, and  
21 suggested that a branch be formed of an  
22 existing charter rather than issue a new  
23 charter. There was no suggestion of  
24 gaming or anything of an illegal motive;  
25 they thought that it should be -- that  
26 there should be only one charter.

27 Thought was given to that matter,  
28 and it was decided that it is common for a  
29 number of ethnic groups to have their own  
30





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1 group; their own particular group, like some  
2 types we have seen perhaps in Ontario. People  
3 come to Toronto and have their own groups;  
4 and incorporation was granted on April 23rd,  
5 1959.

6 Q. Citizens Reparation League, 1957?

7 A. Letters patent, dated September  
8 23rd, 1942. Incorporation, through its  
9 solicitors; submitted draft application for  
10 supplementary letters patent in 1957.

11 The applicants were to redraft the  
12 objects. The Deputy Minister informed.

13 On March 8th, 1957, I advised the  
14 corporation solicitor that it would be  
15 necessary to refer the application, particularly  
16 in respect of the location of the club house,  
17 to the local and provincial authorities;  
18 and the application, the proposed application  
19 was referred on March 15th, 1957. The  
20 Provincial Police stated that all the  
21 persons interviewed with respect to the  
22 corporation assured the writer that none of  
23 them had criminal records; and owing to the  
24 fact that they were all reputable persons,  
25 and the sincerity of the objects, the writer  
26 felt -- that is the Provincial Police --  
27 felt that there was no reason to oppose  
28 application for supplementary letters patent;  
29 and the City Police had no objection. That  
30







1 is, neither the Provincial Police nor the City  
2 Police objected, and ultimately supplementary  
3 letters patent were issued.

4 There is a note, my lord, on the file,  
5 that apparently something occurred in July,  
6 1950. There is a memorandum signed by me  
7 on the file, in communication with Deputy  
8 Chief Lee, as to something that occurred on  
9 the premises. It does not say what it was.  
10 Inspector Lee said, in my memo -- he said  
11 he was not recommending that the charter  
12 be cancelled in this instance, but if it  
13 happened again further action would have to  
14 be taken. That is the only thing we have  
15 on file, in July.

16 Q. We find that in the appendices?

17 A. That is what we call the old  
18 file. No; this is not referred to in the  
19 appendices at all. It was granted, you  
20 see, Mr. Wilson, in 1942 before the date  
21 under review, and it was a supplementary;  
22 that is, it was granted after the date of  
23 review on the brief. I mean, the supplementary;  
24 the police had no objection, either the  
25 Provincial or the City Police, and therefore  
26 it does not appear in the appendices.

27 The only supplementaries that appear  
28 in the appendices that were granted, in  
29 the ten year period were these ones where  
30





1. The first point is that the government has a duty to protect the public from the effects of climate change. This duty is not limited to the physical effects of climate change, but also extends to the social and economic effects. The government has a duty to take action to reduce greenhouse gas emissions, to adapt to the effects of climate change, and to provide support to those who are most vulnerable to the effects of climate change.

2. The second point is that the government has a duty to provide information to the public about the effects of climate change. This information should be provided in a clear and accessible manner, and should be updated regularly as new information becomes available. The government should also provide information about the actions that individuals and organizations can take to reduce their own greenhouse gas emissions.

3. The third point is that the government has a duty to provide support to those who are most vulnerable to the effects of climate change. This support should be provided in a way that is tailored to the needs of each individual or organization. The government should provide financial support, technical support, and other types of support as needed.

4. The fourth point is that the government has a duty to coordinate with other governments and organizations to address the effects of climate change. This coordination should be done at the international, national, and local levels. The government should work with other governments to reduce greenhouse gas emissions and to adapt to the effects of climate change. The government should also work with other organizations to provide support to those who are most vulnerable to the effects of climate change.

5. The fifth point is that the government has a duty to monitor the effects of climate change and to evaluate the effectiveness of its actions. This monitoring and evaluation should be done on a regular basis, and should be used to inform the government's actions. The government should also be transparent about its actions and the results of its monitoring and evaluation.



1 the police had no objection.

2 Q. The next one is the Deutscher  
3 Automobile Club, 1960.

4 A. Incorporated by Ontario letters  
5 patent March 30th, 1960. Application  
6 referred to police. The Provincial Police  
7 had no objection; the Toronto Police did not  
8 give any intimation of possibility of illegal  
9 gaming, but indicated that the report of  
10 their traffic engineer suggested that the  
11 proposed club premises, 4 Greenbrook Drive,  
12 Toronto, was a residential area, and the  
13 by-law did not permit parking. For this  
14 reason the Toronto Police objected, but  
15 added if some other suitable location was  
16 secured, or the charter issued with the  
17 stipulations or stipulation that no club  
18 house would be maintained, the Toronto  
19 Police would have no objection.

20 And then one of the applicants, one  
21 of the applicants enquired about the  
22 application in October.

23 In December Mr. Thompson, a Departmental  
24 solicitor, wrote to the Provincial Police and  
25 Toronto Police, advising that the application  
26 for incorporation had been amended to the  
27 effect that the club premises were to be  
28 at the new address of 246 College Street,  
29 and asked for their comments.  
30





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1 He wrote to the Mounted Police. The  
2 Provincial Police had no objection; the  
3 Mounted Police had no objection; the Metro  
4 Police had no objection, provided that the  
5 members did not charge ten cents an hour,  
6 as permitted under the Criminal Code.

7 So, there was no objection by any of  
8 the three police bodies, and the letters  
9 patent were issued, with the usual  
10 prohibition against charging ten cents  
11 an hour.

12 THE COMMISSIONER: Mr. Wilson, it has  
13 just occurred to me that perhaps we could  
14 save time.

15 Attached to and forming part of  
16 Exhibit 273 is a summary of what transpired,  
17 as appears from the files of the Provincial  
18 Secretary's Department.

19 MR. WILSON: Yes.

20 THE COMMISSIONER: And the witness is  
21 reading from these, pausing from time to  
22 time to make some observations, that  
23 perhaps are not really necessary.

24 We could save time by simply asking  
25 the witness if the memorandum attached,  
26 from which he is now reading, correctly  
27 sets out the disposition of the matters,  
28 and when those transpired.

29 MR. WILSON: Q. Unless there is something  
30







1 controversial in any of them that you want to  
2 speak about; I think that is the idea.

3 A. No. These are notes that I am  
4 reading from, my lord. I made these notes  
5 when the list was submitted about two weeks  
6 ago. They were done hurriedly at the time,  
7 and we did not know just when we would need  
8 them, and they are supplemented with certain  
9 other pencilled notes, and I have been  
10 going over them.

11 THE COMMISSIONER: Do you think it  
12 would be helpful perhaps if you did not  
13 adopt the suggestion that I made, but rather  
14 read what you have?

15 A. No. I think these should be  
16 submitted as they are, my lord.

17 Q. That is all right; it could  
18 be submitted, thank you.

19 MR. WILSON: I think so.

20 THE COMMISSIONER: And, Mr. Estey,  
21 there is nothing particularly controversial  
22 about any of these, is there?

23 MR. ESTEY: Not that I am aware of, no.

24 THE COMMISSIONER: Just treat it that  
25 way, and it will save a lot of time.

26 THE WITNESS: Pardon me; I cannot see  
27 anything controversial here, my lord. There  
28 is one, the Lithuanian ---

29 MR. WILSON: Q. The Community Association?  
30



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1           A.       The Lithuanian Community Association.  
2       The City Police had no objection, provided that  
3       they did not apply for a liquor licence, and  
4       we did write to the solicitor for the  
5       applicants that it was granted, but they  
6       should give an undertaking; and then there  
7       is a note on the file that the undertaking  
8       was not required.

9           Now, this is back ten years ago, and I  
10       just cannot remember it. I think perhaps  
11       at the time the Minister was also the Liquor  
12       Commissioner, and he said, "I will look after  
13       this." That is the only one I can see,  
14       my lord.

15          MR. WILSON: Q. All right. There is  
16       only one matter that I want to direct your  
17       attention to. Yesterday Mr. Yarenko, in  
18       his evidence on page 11484, spoke about the  
19       Hamilton Businessmen's Bridge & Chess Club,  
20       and said that you would be able to give the  
21       cause for the cancellation in respect of  
22       that club.

23          A.       That is one that was cancelled  
24       some years ago. It has only come to my  
25       attention very recently because, in going  
26       over our list of cancellations, the  
27       cancellations are carded, and this was one  
28       that, through some oversight in the Department,  
29       was not carded at the time the cancellation  
30





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1 was made some years ago, and that is why it did  
2 not appear in our list of cancellations.

3 THE COMMISSIONER: When was the charter  
4 cancelled?

5 MR. WILSON: Q. The charter was  
6 cancelled on March 18th, 1954.

7 A. March 18th, 1954. There was a  
8 memorandum by me to Colonel Welsh, the  
9 Minister, in which I referred to the report  
10 of the Provincial Police. My memo to  
11 Colonel Welsh was in March, 1954, to the  
12 effect that the premises of the club --  
13 that they had plywood doors, and over the  
14 windows wire netting. In addition to  
15 plywood installed in the windows on the  
16 second floor; and further that there were  
17 two plywood doors installed at the foot  
18 and the head of the stairs leading to the  
19 second floor. The memorandum said that  
20 the charter had contravened the "bars and  
21 bolts" clause. This was incorporated in  
22 1957, and had the "bars and bolts" clause  
23 in the charter.

24 I would say it was cancelled by reason  
25 of the "bars and bolts" clause.

26 We were cancelling these, too, at that  
27 time, if any clubs had barricades, whether  
28 they had the "bars and bolts" clause or not.  
29 It may be one or the other. I would say  
30



[illegible]



1 more than the barricades, the "bars and bolts"  
2 clause, and that is why it was cancelled.

3 MR. WILSON: That is all.

4 THE COMMISSIONER: Do you want to postpone  
5 your cross-examination? As I understand it,  
6 you do.

7 Thank you.

8  
9 ---The witness withdrew.

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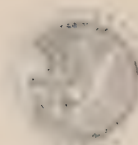
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JOHN BARROW, sworn,

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. At 51 Hilldowntree Road, Islington.

THE COMMISSIONER: 51?

A. Hilldowntree. One word.

MR. WILSON: Q. In 1956 were you engaged in the real estate business?

A. Yes, I was.

Q. At what location?

A. In 1956 we had two subdivisions; one was out in Orchard Heights, and another one at Keele and Lawrence.

THE COMMISSIONER: Orchard Heights?

A. Orchard Heights, yes.

Q. Yes?

A. The other one was Keele and Lawrence. The name of the subdivision was the Glendier Gardens.

MR. WILSON: Q. During 1956 did you have a meeting with Joe McDermott?

A. A meeting?

Q. Yes.

THE COMMISSIONER: A discussion.

MR. WILSON: Q. A discussion. It does not matter what you call it.

A. Yes. I spoke to Joseph McDermott many times; he had purchased a home in the



There is no other person in the

house who has been in the

house since the day of the

murder.

The only person who has been

in the house since the day of the

murder is the person who has

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been in the house since the day of the

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1 subdivision that I was selling.

2 THE COMMISSIONER: Which one?

3 A. In Orchard Heights.

4 THE COMMISSIONER: Just a moment.

5 MR. WILSON: Q. That was 1519 Homotown  
6 Drive?

7 A. That could be the number.

8 Q. So you had had a number of contacts  
9 with Mr. McDermott?

10 A. I spoke to him many times on his  
11 front lawn; many times.

12 Q. Did he at any time say that he  
13 had a friend who was interested in purchasing  
14 a property in that subdivision?

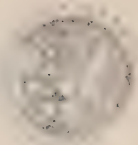
15 A. There was a sale on Kenneth Drive  
16 to a man -- I cannot remember the circumstances,  
17 but it does come to my mind that there was  
18 an association. He either established that  
19 he was a friend, and he wanted me to give  
20 him a good deal, or the friend said he knew  
21 McDermott; I cannot recall exactly.

22 Q. If I follow you, you say either  
23 McDermott said, "Give this man a good deal",  
24 or the man who bought on Kenneth Drive said  
25 he was a good friend of McDermott's. Is  
26 that what you say?

27 A. There was an association; I am  
28 trusting my memory in talking on that.

29 THE COMMISSIONER: About when was this?  
30





THE TOWN OF BOSTON, MASS.,

IN SENATE,

January 1, 1891.

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE,

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE, MARCH 1, 1890.

BOSTON: PUBLISHED BY THE STATE PRINTING OFFICE, 1891.

100-100000



1 A. About 1956. Possibly a little  
2 later on; but I think 1956.

3 Q. Yes?

4 A. And he ---

5 Q. And he later on turned out to be  
6 whom?

7 MR. WILSON: Q. Yes. Who was the man?  
8 Who was the man at Kenneth Drive?

9 A. The officer mentioned it to me ---

10 THE COMMISSIONER: Cronin?

11 A. Cronin, or Conin.

12 MR. WILSON: Q. Did Cronin in fact make  
13 a purchase through your office at that time?

14 A. Yes, he did purchase a home on  
15 Kenneth Drive through our company.

16 THE COMMISSIONER: Do you know where  
17 he was living before he purchased that  
18 place? At the time he purchased it?

19 A. Out around Agincourt, somewhere.

20 MR. WILSON: And did you speak to  
21 Cronin yourself?

22 A. I believe that I did speak to him  
23 on a Sunday evening. I did not show him the  
24 house; one of our salesman transacted the  
25 deal, and, as I recall, I did arrange that  
26 the people who owned the house allow him to  
27 go through; I think I met Cronin at the  
28 property. I did not go through with him,  
29 as I recall.  
30

[illegible]





1 Q. But you knew this person was coming  
2 to look at the property before he actually  
3 came; and the reason that you knew was because  
4 Mr. McDermott had spoken about it?

5 A. No, sir; usually that is the way  
6 it sells. I just recall there was an  
7 association. Whether it was my salesman  
8 who said he wanted the appointment made,  
9 or whether it was McDermott, sir, I could not  
10 swear to it. It is a long time ago, and I  
11 am trusting my memory; but I know there was  
12 an association. They were friends; I was  
13 told that.

14 THE COMMISSIONER: By one or the other?

15 A. Yes, yes.

16 MR. WILSON: Q. Did you ever suggest  
17 to any one that McDermott or Mrs. Cronin and  
18 Mrs. McDermott were related?

19 A. I have heard that since.

20 Q. That is something you heard since?

21 A. Yes.

22 Q. Where did you hear that?

23 A. I do not know, sir.

24 MR. WILSON: That is all.

25 THE COMMISSIONER: Mr. Rose?

26

27

28

29

30



1. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

2. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

3. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

4. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

5. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

6. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

7. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

8. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

9. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

10. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

EXAMINED BY MR. ROSE:

Q. Now, you remember Cronin, do you?

A. No. I would not know the man if I saw him, sir.

Q. I see. At this time that the house was purchased, I believe that Mr. Cronin had been out of the police force for approximately two or three years. Is that not correct? Or do you know?

A. I would not know, sir.

Q. And when you say you knew that there was some association, you do not know whether Cronin had mentioned to your salesman and then to you that he knew McDermott, who had already purchased a home, or whether McDermott said, either to you or your salesman, that Cronin was interested in purchasing a home? Would that be a fair way of putting it?

A. I could not swear exactly how it happened. I will say this, that Mr. McDermott lived in a corner location on the main artery in the subdivision, and on occasions, then several people found our sales location -- we moved into a new model, and several people said that the man on the corner had sent them up from there. It was fairly common. McDermott sent people around. He was kind of a key location







1 around there.

2 Q. Are you able to tell us with any  
3 degree of certainty that either one of them  
4 spoke to you, that the other was a friend?

5 A. Sir, I only know that I knew  
6 there was an association and they were  
7 friends. And from my memory I would say  
8 that I heard it from one or the other; but  
9 I am trusting my memory. I do not remember  
10 the incident in detail.

11 Q. This would be in 1956 or 1957?

12 A. I think 1956. We did have a  
13 sales record, that is right; but our firm  
14 went into bankruptcy and the files were  
15 destroyed after bankruptcy.

16 Q. You were aware that Mr. Cronin  
17 was obtaining an interest in a chemical  
18 company or a medical company that Mr.  
19 McDermott controlled?

20 A. No, I did not.

21 Q. You did not know that? Thank you.

22  
23 ---The witness withdrew.

---



1. The first part of the report is a summary of the work done during the year.

2. The second part is a detailed account of the work done during the year.

3. The third part is a summary of the work done during the year.

4. The fourth part is a summary of the work done during the year.

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15. The fifteenth part is a summary of the work done during the year.

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27. The twenty-seventh part is a summary of the work done during the year.

28. The twenty-eighth part is a summary of the work done during the year.

29. The twenty-ninth part is a summary of the work done during the year.

30. The thirtieth part is a summary of the work done during the year.





AL DOWDING, sworn.

THE COMMISSIONER: What does the "Al" stand for?

A. Alfred.

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. I reside at 14 Emery Circle, Weston, Ontario.

Q. And in 1956 were you a salesman employed by the Barford Realty Company?

A. Yes, I was.

Q. And the last witness, John Barrow, was what -- the president of the company?

A. He was my superior.

Q. Your superior?

A. The owner.

THE COMMISSIONER: What is the name?

MR. WILSON: Q. Barford Realty Company Limited?

A. Barford Realty Company Limited.

Q. Now, in 1956 did you have something to do with the sale of a property on Kenneth Drive to Mr. and Mrs. John Cronin?

A. Yes, sir. I showed them the house and I procured the offer from them.

Q. Now, did Cronin at any time suggest to you that he had been directed to this area by Joseph McDermott?





1 A. No, sir. Mr. Cronin was turned  
2 over to me by Mr. Barrow; he came and introduced  
3 himself. So, I used to be in the subdivision  
4 all the time, about the model home; and he  
5 came on this Sunday with his wife. They  
6 had seen the sign, apparently, on this house;  
7 we had a sign on it "For Sale", and ---

8 Q. What, if anything, did Mr. Barrow  
9 say at that time, or later that day, about  
10 any association between Cronin and McDermott?

11 A. He did not say anything to me.  
12 He just -- he said, "There will be a chap  
13 coming in who wants to see that house down  
14 on Kenneth Drive", so I went around to it,  
15 and they came in; I think it was in the  
16 afternoon. And I showed them their house.

17 Q. Did he say anything about how  
18 the man came to be interested?

19 A. He said he was referred to him  
20 by a friend of this chap's.

21 Q. Yes. Is that all?

22 A. He did not even know Cronin's  
23 name at the time. He came and introduced  
24 himself to me and I gave him my card.

25 MR. WILSON: That is all.

26 MR. ROSE: I have no questions, thank you.

27  
28 (Page 11525 follows)  
29  
30



[illegible]



C/1/DO'N

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MR. WILSON: That is all.

---The witness retired.

MR. WILSON: I will call P.C. Sheldon.







1 WILLIAM ALBERT SHULLEN, sworn

2  
3 EXAMINED BY MR. WILSON:

4 Q. You are a member of the  
5 Ontario Provincial Police?

6 A. Yes, sir.

7 Q. And stationed at -- ?

8 A. Kincardine.

9 THE COMMISSIONER: Q. How long have  
10 you been on the Force?

11 A. Eleven years, September 13th,  
12 past.

13 MR. WILSON: Q. In December, 1953,  
14 you were stationed at Toronto?

15 A. That is correct.

16 Q. And these two reports that  
17 I show you, dated December 17th, 1953, and  
18 December 29th, 1953, are they reports made by  
19 you in respect to a raid made on the premises  
20 of the Veterans Riverdale Social Club in the  
21 township of North York on December 15th, 1953?  
22 Will you just identify those two?

23 THE COMMISSIONER: Show them to him.

24 (Produced)

25 December what?

26 MR. WILSON: December, 1953.

27 THE COMMISSIONER: What date is  
28 December?

29 MR. WILSON: December 17th and 29th.  
30



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(Continued)

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1 THE COMMISSIONER: The date of the  
2 raid?

3 THE WITNESS: December 15th.

4 MR. WILSON: Q. Have you got copies  
5 of those reports with you?

6 A. No, I have not.

7 Q. I will need those. The  
8 copies that are made, you can't read them.

9 These reports will be filed as  
10 exhibits.

11 THE COMMISSIONER: Yes, 274.

12 MR. WILSON: A and B.

13 THE COMMISSIONER: All right.

14  
15 --EXHIBIT NO. 274-A: Report made 17th December,  
1953.

16  
17 --EXHIBIT NO. 274-B: Report made 29th December,  
1953.

18  
19 MR. WILSON: Q. Were you attached  
20 to the anti-gambling branch on December 15th,  
21 1953?

22 A. Yes, sir.

23 Q. How long were you on that  
24 branch?

25 A. That would be just approximately  
26 two years I had been on then.

27 Q. Did you start in that branch  
28 when you joined the Force?

29 A. Yes, sir.

30 Q. Who was in charge of the raid





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1 on December 15th, 1953, on the Riverdale Club?

2 A. Sergeant Von Zuben would be  
3 in charge of the gambling officers.

4 Q. Am I right in saying, the  
5 only other officer was Constable W.J. Miller?

6 A. I would have to go by the  
7 report. I can't, at this time, just remember.

8 Q. Maybe you could look at  
9 the top of that and tell us.

10 A. Yes. Sergeant Von Zuben,  
11 Constable Miller and myself.

12 Q. Maybe you better just hold  
13 that for the moment. Was Miller on the anti-  
14 gambling squad at that time?

15 A. Yes, sir.

16 Q. You were accompanied, as I  
17 understand it, by certain members of the North  
18 York Police Department?

19 A. Yes, sir.

20 Q. Now, how did this raid come  
21 about? How was it set up? Who gave the tip-  
22 off that there should be a raid made on that  
23 club?

24 A. I do not know, sir.

25 Q. You don't know?

26 A. No. I recall Sergeant Von Zuben  
27 distinctly, for sure. We went in a gambling  
28 squad car somewhere up near Dufferin Avenue  
29 at the north end, and there we waited and met  
30 the North York Police Department.







1 Q. Sergeant Von Zuben didn't say  
2 anything to you about an anonymous telephone  
3 call he had received that morning?

4 A. He did not.

5 Q. He did not. We will get him  
6 to tell us his own story. Tell us what  
7 happened. What time of the day was it  
8 when you got to the premises?

9 A. It was approximately 11 p.m.  
10 at night.

11 Q. Tell us about your entry into  
12 the premises.

13 A. I recall I was in the first  
14 car on the passenger's side, on the outside,  
15 and I was the first one out of the vehicle.  
16 And we drove in a driveway and stopped a  
17 short distance from the premises. We ran to  
18 an outside door. I tried it and it was locked  
19 and they were told to open up. Someone  
20 in there - there was quite a few occupants -  
21 stepped up and unlocked the door.

22 Q. Well, was it opened immediately?

23 A. Well, it would just be a matter  
24 of seconds, I suppose.

25 Q. Was that usual when you went  
26 to a gambling establishment?

27 A. No, it wasn't. They didn't  
28 usually open them at all.

29 Q. Then you got inside, and what  
30 happened next?







1           A.       We went in, I believe it  
2 was through a porch we entered into, along a  
3 hall. I turned left through a door at the  
4 bottom of the stairs, which was open, and  
5 went up the stairs to another door at the  
6 top, which was open, and went right into a  
7 large room.

8           Q.       I see, if you look at your  
9 report, in paragraph 2 you say something about  
10 a door into the reception hall locked. Is  
11 that the first door that you came to where  
12 you had a problem?

13          A.       It was the first door that  
14 was locked.

15          Q.       That is the one you are  
16 telling us about, then you asked them to open  
17 up and it was opened immediately?

18          A.       Yes. We were outside. We  
19 were not in the premises. That was our first  
20 door.

21          Q.       Where was the gambling room?  
22 Upstairs or downstairs?

23          A.       Upstairs.

24          Q.       In order to get to the gambling  
25 room, did you have to go through any other  
26 doors that were closed or locked?

27          A.       No.

28          Q.       In other words, once you got  
29 in, you were able to walk upstairs and into  
30 the gambling room?







1 A. That is correct, yes.

2 THE COMMISSIONER: Q. There were  
3 other doors. One at the foot of the stairs  
4 and one at the top of the stairs?

5 A. Yes, but they were open.

6 Q. They were open.

7 MR. WILSON: Q. When you got into  
8 the gambling room upstairs, was the game still  
9 in progress?

10 A. Yes. As I recall, there was  
11 dice on the table and some person had a  
12 rake in his hand and was just raking them in.

13 Q. Were there any other gambling  
14 paraphernalia on the table? What was it?  
15 A pool table?

16 A. It was one of the large  
17 snooker tables.

18 Q. There were not any buzzers  
19 sounded or alarm signals sounded after you got  
20 into the bottom floor?

21 A. Not that I recall.

22 Q. You say they were still taking  
23 off what, the dice?

24 A. The game seemed to be right  
25 in progress.

26 Q. Right in progress. Had you,  
27 when you went on that raid, had you received  
28 any instructions to look for a particular  
29 individual?

30 A. No, I did not.







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Q. You did not?

A. No.

Q. Did you have any idea, from the instructions that you received, who might be in charge of the operation?

A. No, I did not.

Q. Well then, what did you do after you got into the gambling room?

A. I approached the snooker table, around which several men were standing. I seized a glass rake and dice and a sum of money.

Q. Now I see -- quite possibly you can read from your report, as I can't read this copy very well. You correct me if I am in error. About half way down paragraph 2, it says:

"In this room I observed

"approximately 35 to 40 men

"congregated around a large

"snooker table which measured

"approximately 6 feet wide

"by 12 feet long. Approaching

"the table I observed --- "

Maybe you could read it from there.

A. "... I observed a

"man directly in front of me

"with a dice rake in his hand

"and in the looped end of the

"rake were a pair of red dice.

[illegible]



1 "Just as I made these  
2 "observations a man standing  
3 "at the middle of the table  
4 "on the opposite side of the  
5 "room, later identified as  
6 "William Dominic Simone, said  
7 "'The rake, the rake'. At  
8 "this point I reached over and  
9 "grabbed the rake at the same  
10 "time observing Simone remove  
11 "a bundle of currency and a  
12 "box containing chips from the  
13 "table. I announced 'Provincial  
14 "Police' and moved in the direction  
15 "of Simone who by this time had  
16 "moved into the north-east corner  
17 "of the room where he attempted  
18 "to rid himself of the box of  
19 "chips. I took possession of  
20 "the box and brought Simone back  
21 "to his former position at the  
22 "table where he was instructed  
23 "to remove everything from his  
24 "pockets."  
25 THE COMMISSIONER: Q. By whom?  
26 A. By myself.  
27 "From Simone's hand I seized a  
28 "bundle of currency which was  
29 "found to contain \$1,217.00.  
30 "Simone produced two pair of red





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1 "dice, one pair wrapped, one  
2 "pair not wrapped; \$1.43 in  
3 "one  
4 "silver), a \$10 American bill;  
5 "one \$5 Canadian bill; one  
6 "\$1 Canadian bill; one Bank  
7 "of Nova Scotia counter cheque  
8 "drawn on the Bank of Toronto  
9 "in the amount of \$41.60 signed  
10 "by W.D. Simone, made payable  
11 "to A. Dunlop and endorsed on  
12 "the reverse side by 'Al Dunlop',  
13 "dated December 21st, 1953;  
14 "keys; wallet, etcetera. At  
15 "this point I asked Simone if  
16 "that was everything and he  
17 "replied 'Yes'. I then frisked  
18 "him and felt a pair of dice in  
19 "his right sock."

20 MR. WILSON: Q. Just at that point,  
21 why did you frisk him?

22 A. Before entering the premises  
23 on this raid, we had been advised that one  
24 of the operators may be in possession of a  
25 revolver. He may be carrying a revolver.

26 Q. Who said that?

27 A. I couldn't tell you. I  
28 don't recall.

29 THE COMMISSIONER: Q. Was it someone  
30 on the raid with you?

A. Yes, someone on the raid.



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1                   MR. WILSON: Q. Was it an O.P.P.  
2 officer or a member of the North York Police  
3 Force?

4                   A. I don't recall who told me  
5 that.

6                   Q. Whose car were you in when  
7 you went to the premises?

8                   A. I could not say. I don't recall.

9                   THE COMMISSIONER: Q. Well, you  
10 said you met the North York police at the end  
11 of Dufferin Street, some place?

12                  A. Yes.

13                  Q. Did you start out from  
14 Provincial Headquarters?

15                  A. Yes.

16                  Q. You would be in a Provincial  
17 Police car?

18                  A. Well, I was thinking we may  
19 have changed there.

20                  Q. Changed where?

21                  A. Changed around in the cars.  
22 I recall I was instructed to be in the first  
23 one in.

24                  Q. Well, be that as it may, if  
25 you left Provincial Headquarters in a Provincial  
26 Police car, as you say --

27                  A. Yes.

28                  Q. -- you think you may have  
29 changed into another car before you arrived.  
30 Is that what you are saying?



THE UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20250

TO: [illegible]  
FROM: [illegible]  
SUBJECT: [illegible]

[The following text is extremely faint and largely illegible. It appears to be a memorandum or report containing several paragraphs of text, possibly discussing land management or surveying. Key words like "Bureau of Land Management" and "Department of the Interior" are visible at the top.]

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1 A. Yes.

2 MR. WILSON: Q. Now, you say you  
3 have no idea what car you were in or who was  
4 with you when you got to the premises?

5 A. Whichever car I was in, the  
6 North York or the Provincial Police, I recall  
7 Sergeant Von Zuben being in the car with me.  
8 The instructions were that I would be the  
9 first one in.

10 Q. Who was in this gaming room  
11 when you frisked Simone?

12 A. There would be several other  
13 occupants.

14 Q. Yes. And what happened in  
15 the course of the frisking of Simone?

16 A. I asked Simone, "Are you sure  
17 that is all you got?" and he replied, "Yes".  
18 I then told him to take the dice out of  
19 his sock, which he did, placing them on the  
20 table.

21 Q. How did you know there was  
22 any dice in his sock?

23 A. When I frisked him, I went  
24 right down to his shoes, and I felt them in  
25 his sock.

26 Q. And when you went in there,  
27 you say the game was in progress and Simone  
28 was in the centre of the table; is that right?

29 A. Yes.

30 Q. And did you keep him under







1 observation from that time until the time that  
2 you frisked him?

3 A. Yes.

4 Q. And so that when you first  
5 broke into that gaming room, or went into  
6 that gaming room, I take it that they were all  
7 taken by surprise?

8 A. Yes, sir.

9 Q. Well then, how soon after  
10 you broke into the room or got into the room,  
11 did you frisk Simone?

12 A. I would have to estimate that.  
13 I would say five minutes.

14 Q. I take it, from your report,  
15 that you had him under observation from the  
16 time you entered, because he is the man who  
17 was trying to get the croupier out of the picture?

18 A. I seen him pick up a large  
19 stack of money and I didn't take my eyes off  
20 him because I wanted to get hold of that,  
21 specially.

22 Q. And he was trying also to get  
23 rid of the poker chips in the corner of the room,  
24 and you followed him over?

25 A. That is right.

26 Q. Was it at that point you frisked  
27 him?

28 A. I brought him back to the  
29 table.

30 Q. And frisked him there?



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1 A. And frisked him there.

2 Q. You say in the course of  
3 frisking him, you found some objects in his  
4 socks. Did you know what they were when you  
5 felt them?

6 A. By the size and shape, it just  
7 came to my mind that they were a set of dice.

8 Q. From what you have told us,  
9 would it have been possible for him to  
10 have put these dice in his socks after you  
11 entered the room and observed him for the  
12 first time?

13 A. I would say no.

14 Q. So that, in your opinion, the  
15 dice must have been in the sock before you  
16 entered the room?

17 A. Yes, sir.

18 Q. Were those particular dice red?

19 THE COMMISSIONER: In colour?

20 MR. WILSON: Q. In colour?

21 A. I couldn't just say. I haven't  
22 got the colour in my report.

23 Q. If you would just carry on  
24 with your report. You say you found something  
25 unusual about the dice.

26 A. "I checked these dice  
27 "and observed that one die bore  
28 "two three's and the other die  
29 "bore two four's. I immediately  
30 "passed this pair of dice over

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1 "to Sergeant Von Zuben, calling

2 "his attention to the spots on

3 "same."

4 Q. Based on your experience in  
5 the anti-gambling squad to that date, would it  
6 be possible, in a game of that kind, where  
7 there was a lot of experienced gamblers, to  
8 have made any use of that type of dice?

9 A. It would have been possible.

10 Q. Do you think it would have been  
11 probable?

12 A. I would say no. Thinking  
13 of them as experienced gamblers, it would be  
14 chancy.

15 Q. I take it, they were all  
16 experienced gamblers?

17 A. I couldn't say that, sir.

18 THE COMMISSIONER: Q. What led you  
19 to examine the dice which you picked up?

20 A. It must have been just the  
21 fact that they were in his sock and I just  
22 looked at them.

23 Q. What prompted you to examine  
24 them carefully enough to determine there were  
25 two three's on one and two four's on the other?

26 A. Just the fact that they were  
27 hidden, I would be suspicious.

28 MR. WILSON: Q. Did you find any  
29 gun on either Simone or on the premises?

30 A. I did not.





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1 Q. Or did anybody else that was  
2 on that raid find a gun?

3 A. Not that night.

4 Q. Or any other night?

5 A. Not that I know of.

6 THE COMMISSIONER: // What time is  
7 it, Mr. Wilson, may I ask?

8 MR. WILSON: It is about twenty  
9 minutes to twelve.

10 THE COMMISSIONER: We will have a  
11 five-minute recess.

12  
13 ---A short recess.

14 MR. WILSON: Q. Did you ask Simone  
15 for any explanation as to the dice that were  
16 found in his sock?

17 A. I did not.

18 Q. Did he offer any explanation?

19 A. No, not that I recall.

20 Q. Did you or any other person  
21 make any public statement to the persons assembled,  
22 as to finding of the dice in question?

23 A. Public statement?

24 Q. Yes. I mean, -- you say  
25 you took them out of his sock. What did you  
26 do with them?

27 A. I passed them across to  
28 Sergeant Von Zuben.

29 Q. Did he make any statement to  
30 the people who were there, about the dice?

[illegible]





1 A. Not that I recall, sir.

2 Q. Did anybody, to your recollection,  
3 make any statement about the dice?

4 A. No, sir.

5 Q. Was the matter of these dice  
6 and their possible use in any game that might  
7 be carried on on those premises, covered in  
8 the testimony in the police court after the  
9 charges were laid? And the matter was up for  
10 hearing?

11 A. I believe I mentioned it.

12 THE COMMISSIONER: There was a plea  
13 of guilty.

14 MR. WILSON: I think the witness  
15 said there was some discussion of it in the  
16 police court.

17 Q. I just wondered what the  
18 recollection of this witness was.

19 A. I just don't recall. I am  
20 sure it was mentioned in court.

21 Q. Who was it mentioned by, to  
22 your recollection?

23 A. By myself, in giving evidence.

24 Q. Was there any statement on  
25 the point by counsel for Sisco?

26 A. I don't recall, sir.

27 MR. WILSON: That is all, thank  
28 you.

29 MR. ROSE: I would like to read this  
30 report, Mr. Commissioner, before I question  
this witness. I have not seen it.



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1 THE COMMISSIONER: Yes.

2 Q. I don't understand yet, and  
3 perhaps I don't quite appreciate it, but what  
4 would prompt you to start examining the dice  
5 in respect to the numbers and the dots on  
6 them? You say because he had them on his  
7 person, secreted?

8 A. I just don't recall the  
9 incident specifically, but I would assume I  
10 would be suspicious with them in his sock.

11 Q. That would be a good place  
12 to hide good or crooked dice, wouldn't it?

13 A. Yes, it would.

14 Q. What prompted you to start  
15 examining them? There is no more reason to  
16 think they were crooked than if they were fair  
17 dice, the fact that you found them in his sock?

18 A. No, I suppose not.

19 Q. I can't quite understand.  
20 Had it been suggested earlier that there might  
21 be crooked dice there?

22 A. There had been no suggestion  
23 that I knew of, my lord.

24 Q. Did you draw Von Zuben's  
25 attention to the fact that they were crooked  
26 dice, when you handed them to him?

27 A. Yes, I passed them across.

28 Q. What did you say to him?

29 A. I told him to look at them.

30 Q. And did he, then?





THE UNIVERSITY OF CHICAGO  
LIBRARY  
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A. Yes, he took them.

Q. And looked at them?

A. Yes.

Q. And did he say anything about them to the people that were playing?

A. Not that I recall.

Q. If he had, you would have heard it?

A. Yes.

Q. You are not on the anti-gambling squad now?

A. No.

Q. How long is it since you left the anti-gambling squad?

A. I left on September 1st, 1954.

Q. And were you transferred to Kincardine then?

A. No, I went to Mount Forest.

Q. Had you been on many raids prior to this one?

A. I would say several, yes.

Q. What do you mean by "several"? Two would be several. A dozen?

A. A dozen, yes.

Q. Or more or less?

A. Or more. I would say more.

Q. How many more? Two dozen?

A. I would be just guessing to say 15 or 20.



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1 Q. How did the case with which  
2 you executed this warrant and got into the  
3 premises and made your seizure, compare with  
4 the ease or difficulty that you usually  
5 experienced?

6 A. It wasn't the same at all.

7 Q. No, it wasn't the same at all.  
8 What was different about it?

9 A. Well, it was very easy here.  
10 Usually we would have to knock the door down.

11 Q. Or wait some appreciable time?

12 A. Yes.

13 Q. To use the vernacular, this  
14 was a cinch?

15 A. Yes, it was.

16 THE COMMISSIONER: All right, Mr. Rose.

17  
18  
19  
20  
21 EXAMINED BY MR. ROSE:

22 Q. Mr. Sheldon, Mr. Wilson said  
23 to you and he asked your opinion that if these  
24 dice had been used in a game where there were  
25 several experienced gamblers, and these  
26 certainly were experienced gamblers?

27 A. I couldn't say, sir, I do not  
28 know.

29 Q. Aside from Simone and this other  
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1 man, Miller, that was taken into custody, did  
2 you know any of the other players as being  
3 operators of gaming houses or experienced  
4 gamblers in the city?

5 A. I did not.

6 Q. Insofar as this pair of dice  
7 is concerned, which were found in Simone's  
8 sock, did you read the evidence Simone gave  
9 here? Did you read it in the newspaper?

10 A. No.

11 Q. I might ask you what you say  
12 to this? Mr. Simone, under oath, swore he  
13 didn't have any dice in his sock and that,  
14 in effect, you framed him in respect to the dice.  
15 In other words, you evidently carried these  
16 phoney dice in with you and purportedly put  
17 them in his sock. What have you got to  
18 say about that?

19 A. I did not carry those dice  
20 into the premises. The first ---

21 Q. I am sorry.

22 THE COMMISSIONER: Let him finish.

23 THE WITNESS: The first I come on the  
24 dice is when I searched him and found them in  
25 his sock.

26 MR. ROSS: Q. You say when Mr.  
27 Simone swore as to that under oath, he was  
28 lying?

29 A. I wouldn't call him a liar.  
30







1 Q. Are you agreeing with him?

2 A. No, I am not. There must be  
3 a mistake some place.

4 Q. There must be a mistake. You  
5 subsequently gave evidence in the police court,  
6 when he was charged with keeping a common  
7 gaming house?

8 A. Yes.

9 Q. Were there any other charges  
10 laid, aside from keeping a common gaming house,  
11 against Mr. Simone?

12 A. Not that I recall.

13 Q. There was a plea of guilty  
14 by Simone on the charge of keeping a common  
15 gaming house?

16 A. Yes.

17 Q. And were you not called to  
18 the witness stand by the Assistant Crown  
19 Attorney and put under oath and did you not  
20 give the facts?

21 A. Yes, sir.

22 Q. And Simone has said here that  
23 the person who gave evidence under oath, when  
24 he said he had found a pair of phoney dice  
25 in his sock, that he was committing perjury.  
26 What have you say as to that?

27 A. I did not commit perjury in  
28 my evidence.

29 Q. Well now ---  
30



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1 THE COMMISSIONER: Q. Were the two  
2 dice in the same sock?

3 A. Yes.

4 MR. ROSE: Q. Could you perhaps help  
5 us ---

6 THE COMMISSIONER: Q. Was he wearing  
7 garters, by any chance, or how were the socks  
8 held up?

9 A. I couldn't recall, my lord.

10 Q. You don't recall that?

11 A. No.

12 Q. Did you ask him for any  
13 explanation?

14 A. No, I did not.

15 Q. Why?

16 A. I couldn't say now, my lord.

17 Q. Well, was he taken down to  
18 police headquarters?

19 A. They were taken down, yes,  
20 to the North York office.

21 Q. And when did you next see  
22 Simone? At his trial?

23 A. I believe it would be the day  
24 of court.

25 Q. Did you and Von Zuben discuss  
26 this among yourselves, the finding of these  
27 crooked dice?

28 A. We may have mentioned it, but  
29 I don't recall discussing it at all to any great  
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1 degree.

2 Q. I should have thought you  
3 would have been shocked, finding the crooked  
4 dice. Is that a new experience for you?

5 A. Yes, actually, that would be  
6 the first time.

7 Q. Yes. I would have thought  
8 that being shocked, you would say, "Simone,  
9 what do you mean by this? How did these  
10 crooked dice get in here?" or words to that  
11 effect. But you didn't do that?

12 A. No.

13 THE COMMISSIONER: All right.

14 MR. ROSE: Q. As a matter of fact,  
15 on the premises, Simone was told that he was  
16 charged with keeping a common gaming house.

17 THE COMMISSIONER: Q. Do you know?

18 A. I beg your pardon?

19 Q. Where on the premises?

20 A. I don't know, no.

21 MR. ROSE: Q. If you don't know,  
22 why is it in your report? Paragraph No. 7:

23 "William Dominic Simone and

24 "Edward Miller, in the presence

25 "of each other and Sergeant

26 "George Wilson, were informed

27 "by Sergeant Von Zuben that they

28 "would be charged jointly with

29 "keeping a common gaming house  
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1 "at the premises situate and  
2 "known as Veterans Riverdale  
3 "Social Club, Lot 14 and 15,  
4 "Concession 4, in the Town-  
5 "ship of North York on the  
6 "15th day of December, 1953  
7 "and each was given the official  
8 "caution."

9 I presume that is the caution: "You  
10 are charged with keeping a common gaming  
11 house. Do you understand the charge, and  
12 have you anything to say in answer to the  
13 charge, etcetera" and to which Simone said,  
14 "I have nothing to say".

15 A. I would have to go by the  
16 report. I don't recall.

17 Q. Simone wouldn't discuss  
18 anything when he was told he was being charged  
19 with keeping a common gaming house and did he  
20 have anything to say.

21 A. No.

22 Q. And then as far as Miller is  
23 concerned, he was given the same caution and  
24 he said that he didn't understand it. And  
25 then it was again repeated to him and he also  
26 refused to answer any questions or make  
27 any statements; is that correct?

28 A. Yes.

29 THE COMMISSIONER: Q. Where did all  
30







1 this take place?

2 A. According to the report. I  
3 would have to go by the report. I don't  
4 recall definitely.

5 THE COMMISSIONER: Show it to him,  
6 Mr. Rose.

7 MR. ROSE: I suggest --

8 THE COMMISSIONER: Don't suggest  
9 where it took place.

10 MR. ROSE: All right. (Produced)

11 THE WITNESS: I don't believe I  
12 was present when this took place.

13 THE COMMISSIONER: Q. That is just  
14 what I was wondering. Then why did you put  
15 it in the report?

16 A. Well, it would be part of the  
17 report.

18 Q. Yes, I suppose. Who would  
19 tell you?

20 A. Sergeant Von Zuben, as I  
21 recall, helped me with the report.

22 Q. You don't know, as a matter  
23 of fact, whether he was cautioned and refused  
24 to answer, or whether he was asked anything  
25 about the dice or anything else?

26 A. No. I would have to go by  
27 the report.

28 MR. ROSE: I believe Sergeant Von  
29 Zuben will be called.  
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1 THE COMMISSIONER: Sergeant Van  
2 Zuben may be called, but the witness is the  
3 man in the box.

4 MR. ROSE: Q. In respect to  
5 paragraph 7, does it not state that this  
6 questioning and the laying of the charge or  
7 the forming of the charge was done prior to  
8 the removal of the accused to the North York  
9 Police Station?

10 A. According to this, it would be  
11 before they were removed to the North York  
12 Police Station.

13 THE COMMISSIONER: Q. But you have  
14 no knowledge of it?

15 A. No, I don't recall.

16 MR. ROSE: Do you wish to adjourn,  
17 Mr. Commissioner? I will be some time  
18 with this witness.

19 THE COMMISSIONER: What time is it  
20 now?

21 MR. ROSE: Five minutes after twelve.

22 THE COMMISSIONER: We will adjourn  
23 now.

24  
25 ---Whereupon further proceedings were then  
26 adjourned until 2:30 p.m.

27  
28  
29  
30







AA/JRT/1

1 ---On resuming at 2.40 p.m.

2 ---The witness resumed the stand.

3 ---Examination by Mr. Rose continued:

4 THE COMMISSIONER: Is Mr. Rose here?

5 MR. ROSE: What was the last question?

6 THE REPORTER: I wasn't here at the last  
7 adjournment.

8 THE COMMISSIONER: I can't help you. I  
9 have forgotten what your last question was. I  
10 think you were asking him about the fact that  
11 Simone had been cautioned, said he hadn't  
12 anything to say.

13 MR. ROSE: Yes, that is right.

14 THE COMMISSIONER: The witness said he  
15 wasn't there when that happened even though  
16 it appears in the report.

17 MR. ROSE: Q. Now, Mr. Sheldon, in  
18 respect to this pair of dice that you found  
19 in Simone's socks, did I understand you  
20 correctly to say that one die had two three's  
21 on it and the other die had two four's on it?

22 A. That is right, sir.

23 Q. And do you recall the die that  
24 had the two three's on it, what number one  
25 of those three's replaced?

26 A. I do not.

27 Q. Then that would be the same answer  
28 with respect to the die with the two four's  
29 on it?  
30







1 A. That is right.

2 Q. You spent a considerable amount of  
3 time in the Anti-Gambling Squad?

4 A. I had been on then just over two  
5 years then.

6 Q. And you know something about the  
7 way the game of craps is played, or dice?

8 A. Yes, a little bit.

9 Q. Would you agree with me that insofar  
10 as the game itself is concerned, that if a  
11 player throws a point that is a four, five,  
12 six, eight, nine or ten, the object of the  
13 game then is to throw that point again  
14 before he throws a seven?

15 A. That's right.

16 Q. And would you further agree with  
17 me that in an ordinary pair of dice that there  
18 is nothing wrong with, there are six ways of  
19 throwing a seven?

20 THE COMMISSIONER: Q. Do you know?

21 A. Not just offhand.

22 MR. ROSE: Q. You don't know offhand?  
23 Have you any idea what the substitution of an  
24 extra three on one die and the substitution  
25 of an extra four on the other, the percentage  
26 increase of the probability of throwing a  
27 seven would be?

28 A. I have no idea.

29 Q. No idea. And I believe that you  
30 told the Commissioner Mr. Simone was







1 continuously in your sight from the time you  
2 arrived, is that correct?

3 A. Yes.

4 Q. And would it be fair, then, to  
5 state there would be no opportunity for any  
6 other person to have handed him these dice  
7 so he might secret them on his person as  
8 far as you know?

9 A. As far as I know.

10 Q. Now, I see by your report,  
11 Exhibit 274-A, that on the night of December 15th  
12 you drove your car almost to the building  
13 and then you approached the vestibule,  
14 entered the same, and found the next door  
15 leading into a reception hall locked.  
16 Did you have to go through a door?

17 THE COMMISSIONER: That is not my  
18 understanding of his evidence. The only  
19 door that was locked was the one that  
20 separated the interior of the building  
21 from the outside.

22 THE WITNESS: Yes, that is correct.

23 MR. ROSE: I was just reading from the  
24 report.

25 THE COMMISSIONER: I am only repeating  
26 what my understanding of his evidence here is.

27 MR. ROSE: I think it is probably the  
28 same thing, sir. You state in your report  
29 you drove your car almost to the building,  
30







1 you approached the vestibule, entered same  
2 and found the next door leading into a  
3 reception hall was locked?

4 A. In I recall, the first door we  
5 came to we would be standing outside. That  
6 first door was locked.

7 Q. Where is this vestibule? Did  
8 it have a door on it?

9 A. I can't recall just exactly.

10 Q. Well, the door leading into the  
11 reception hall, where was that in relation  
12 to the vestibule?

13 A. The reception hall -- I would  
14 call it the porch.

15 Q. You call the vestibule the porch,  
16 is that what you are referring to?

17 A. Yes.

18 Q. Take it this way: You went through  
19 one door which was open?

20 A. The first door we came to was  
21 locked.

22 Q. The first door you came to?

23 A. The first door, yes.

24 Q. I see. And is that door you  
25 called out, "Open the door", and one of  
26 several persons in the hall opened the  
27 door?

28 A. One of the occupants in there  
29 stepped up and opened the door.  
30







1 Q. When you called out, "Open the  
2 door", could you hear persons talking behind  
3 that locked door?

4 A. No, I couldn't.

5 Q. Why did you say, then, one of  
6 several persons in the hall opened the door?

7 A. We could see there were  
8 several.

9 Q. I see. Which one opened the  
10 door?

11 A. I do not know.

12 THE COMMISSIONER: Q. How could you see?

13 A. I could see through the glass.

14 Q. There was a glass in the door?

15 A. Oh, yes. I couldn't say who  
16 opened the door.

17 MR. ROSE: Q. When you say you could  
18 see several occupants, were those people  
19 standing behind the door?

20 A. Inside.

21 Q. How close to the door?

22 A. Very close. I would say five  
23 feet or so.

24 Q. And you state:

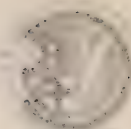
25 "Proceeding into the hallway I turned

26 "right along a corridor to a stair-

27 "case leading to the second floor.

28 "Several men were defending the

29 "stairs at this time while several  
30



Q. Now, you said that you saw the man who was with the woman?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

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Q. And you saw him when you were in the car?

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Q. And you saw him when you were in the car?

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Q. And you saw him when you were in the car?

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Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.

Q. And you saw him when you were in the car?

A. Yes, I saw him. I saw him when I was in the car.



1 "more were in the upper hallway."

2 Well, now, in respect to the staircase  
3 leading to the second floor was there or  
4 was there not a door there?

5 A. There was a door at the bottom  
6 of the stairs.

7 THE COMMISSIONER: Q. Open?

8 A. It was open.

9 Q. The door at the top of the stairs,  
10 and it was open? All right. Well, then,  
11 after you got through this door at the top  
12 of the stairs was there any other door  
13 before you got into the gaming room?

14 A. Not that I recall.

15 MR. ROSE: Q. Were men coming through  
16 that doorway leading to the second floor?  
17 You saw several men descending the stair  
18 at this time, several more in the upper  
19 hallway, that is descending the staircase  
20 which led to the second floor. Were  
21 there men coming through the open door  
22 at that time?

23 THE COMMISSIONER: Which? One of the  
24 top doors?

25 A. I couldn't say they were coming ---

26 MR. ROSE: The door on the staircase  
27 leading to the second floor.

28 THE COMMISSIONER: Q. The door on the  
29 bottom floor or on the top floor?  
30



[illegible]



1 A. I couldn't say whether they were  
2 coming through the door. The first time I  
3 was up I recall passing men on the stairs.

4 MR. ROSS: Q. And there were more  
5 men in the upper hall?

6 A. Yes.

7 Q. "I made two left turns which  
8 "took me into a large room which is  
9 "situated over the garage."

10 A. I cannot recall.

11 Q. Let me ask you this, Mr. Sheldon:  
12 Had you participated in any raids on the  
13 Riverdale Club prior to December 15th, 1953?

14 A. I had not.

15 Q. Do you know if there were any  
16 raids by the Anti-Gambling Squad prior to  
17 December 15th, 1953?

18 A. I do not.

19 Q. Would Sergeant Von Zuben know?

20 A. I don't know.

21 THE COMMISSIONER: Don't ask him what  
22 he would know.

23 MR. ROSS: Q. Now, did you have  
24 occasion to examine and search the premises  
25 in fair detail?

26 A. No, I did not.

27 Q. Can you tell us whether or not  
28 there was a buzzer or alarm system installed  
29 on the premises?  
30







1 A. I cannot.

2 Q. Did you search to ascertain if there  
3 was one?

4 A. I did not.

5 Q. Do you know if any other person  
6 did?

7 A. I do not.

8 Q. Now, when you went to the pool  
9 table where was Simone at that particular  
10 time?

11 A. He was opposite, on the opposite  
12 side to where I approached.

13 THE COMMISSIONER: Q. On the long side  
14 of the pool table?

15 A. On the long side.

16 MR. ROSE: Q. And the gentleman or the  
17 man who was handling the croupier rake, where  
18 was he?

19 A. I do not know.

20 Q. Now, what was it, as far as you  
21 were concerned, that Simone meant when he  
22 called, "The rake, the rake", as you came in?

23 THE COMMISSIONER: Q. Was he handling  
24 the rake, do you know?

25 A. I could not say, my lord.

26 MR. ROSE: Q. In your report:

27 "Approaching the table I observed a  
28 "man directly in front of me with a  
29 "dice rake in his hand and in the  
30



1. The first of these is the fact that the  
 2.

3. The second is the fact that the  
 4.

5. The third is the fact that the  
 6.

7. The fourth is the fact that the  
 8.

9. The fifth is the fact that the  
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11. The sixth is the fact that the  
 12.

13. The seventh is the fact that the  
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15. The eighth is the fact that the  
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17. The ninth is the fact that the  
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19. The tenth is the fact that the  
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21. The eleventh is the fact that the  
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23. The twelfth is the fact that the  
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25. The thirteenth is the fact that the  
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27. The fourteenth is the fact that the  
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33. The seventeenth is the fact that the  
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35. The eighteenth is the fact that the  
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41. The twenty-first is the fact that the  
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1 "loop end of the rake was a pair of  
2 "red dice. Just as I made these  
3 "observations a man standing at  
4 "the side of the room, later  
5 "identified as William Dominic  
6 "Simone said, 'The rake, the rake'."

7 A. He would be wanting to get rid  
8 of the rake because it could be used as  
9 evidence.

10 Q. After you felt the dice in Simone's  
11 sock you told him to take the dice out, did  
12 you not?

13 A. That is right.

14 Q. And what would be the reason for  
15 that? Because if you purported to take them  
16 out of his socks he might allege you had  
17 framed him with the dice?

18 A. No. If I am searching somebody,  
19 if I feel anything in their pocket, or any  
20 place, I like them to take it out on their  
21 own. I don't like to put my hands in  
22 people's pockets or in their socks.

23 Q. For what reason?

24 A. Well ---

25 THE COMMISSIONER: What difference does  
26 it make?

27 THE WITNESS: I just don't like to go  
28 that far unless I have to.

29 MR. ROSE: Those are all the questions  
30

AA/3





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1 I have, sir.

2 THE COMMISSIONER: Have you any other  
3 questions, Mr. Wilson?

4 MR. WILSON: No.

5 THE COMMISSIONER: That is all, thank you.

6  
7 ---The witness withdrew.

8  
9  
10 MR. WILSON: Call Sergeant Von Zuben.



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CLIFFORD VON ZUBEN, sworn,

THE COMMISSIONER: Q. What is your age,  
Mr. Von Zuben?

A. Fifty-five, sir.

EXAMINED BY MR. WILSON:

Q. You are with the Ontario Provincial  
Police?

A. I am, sir.

Q. How many years have you been with  
the Force?

A. Twenty-three years.

Q. And what is your rank?

A. Staff Sergeant.

Q. And were you connected with the  
Anti-Gambling Branch in December of 1953?

A. I was, sir.

Q. What was your period of service  
with that branch?

A. Twelve years. From 1942 to 1954.

Q. And did you have the rank of  
Sergeant in 1953?

A. I did, sir.

Q. And when did you cease to be a  
member of the Anti-Gambling Branch?

A. The 31st of March, 1954.

Q. And what were the circumstances of  
your transfer at that time?

A. I was informed by the Commissioner



WILHELM VON KROGH, 2nd

Mr. Von Krog?

A. Twenty-five, sir.

WILHELM VON KROGH

Q. You are with the German Provisional

Police?

A. I am, sir.

Q. How many years have you been with

the force?

A. Twenty-three years.

Q. And what is your rank?

A. First lieutenant.

Q. And were you connected with the

Anti-Gandling Branch in December of 1933?

A. I was, sir.

Q. What was your period of service

with that branch?

A. Twelve years. From 1922 to 1934.

Q. And did you have any part of

service in 1933?

A. I did, sir.

Q. And when did you cease to be a

member of the anti-gandling branch?

A. The 31st of March, 1934.

Q. And what were the circumstances of

your transfer at that time?

A. I was informed by the Commissioner



1 of the day that there was a change of personnel,  
2 a change of command, and I would be transferred  
3 from the Branch.

4 THE COMMISSIONER: Q. To where?

5 A. I beg your pardon, sir?

6 Q. To where?

7 A. I was transferred to the Liquor  
8 Control Investigation Branch for a few weeks,  
9 then eventually to the traffic division.

10 MR. WILSON: Q. Did the then Commissioner  
11 give you any reason for the transfer?

12 A. Not at that time, sir.

13 Q. Did he later?

14 THE COMMISSIONER: Q. Who was the  
15 Commissioner?

16 A. E.V. McNeill.

17 Q. Did he later?

18 A. No. I just learned from a newspaper  
19 item that appeared some three weeks later what  
20 appeared to be the reason.

21 Q. I don't know how valuable that is.  
22 Tell us, then, what you did about it?

23 A. Well, I was instructed to report  
24 to Staff Inspector Bartlett, at that time in  
25 charge of the Liquor Control Board.

26 Q. Who instructed you, McNeill?

27 A. McNeill.

28 Q. Bartlett at that time was in  
29 charge of the Liquor Control Board Investigation  
30





1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

2. The second part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Treasury at that time. It is a very important document, and it is one of the most interesting documents in the collection.

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5. The fifth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Interior at that time. It is a very important document, and it is one of the most interesting documents in the collection.

6. The sixth part of the document is a letter from the Secretary of the Agriculture to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Agriculture at that time. It is a very important document, and it is one of the most interesting documents in the collection.

7. The seventh part of the document is a letter from the Secretary of the Commerce to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Commerce at that time. It is a very important document, and it is one of the most interesting documents in the collection.

8. The eighth part of the document is a letter from the Secretary of the Education to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Education at that time. It is a very important document, and it is one of the most interesting documents in the collection.

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10. The tenth part of the document is a letter from the Secretary of the Arts to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Arts at that time. It is a very important document, and it is one of the most interesting documents in the collection.



1 Branch?

2 A. Yes, my lord.

3 Q. You were asked whether you knew  
4 of any reason why you were being transferred  
5 from the Anti-Gambling Squad?

6 A. That is correct. I was not given  
7 a reason at that time, I was just informed  
8 there was being a change of management and  
9 I would report to Mr. Bartlett the following  
10 day, which I did.

11 Q. Were you informed later? Were  
12 you given any reason?

13 A. No, sir.

14 MR. WILSON: Q. Did the Commissioner,  
15 when he spoke to you, indicate he was not  
16 satisfied with the progress the branch was  
17 making?

18 A. He did not.

19 Q. He did not? You don't recall  
20 making a statement at that time to me on  
21 March the 14th of this year?

22 THE COMMISSIONER: Tell him the statement  
23 he made to you, if he did.

24 MR. WILSON: Q. Well, the statement he  
25 made to me, as I recorded it:

26 "On March 30th, 1954, Von Zuben was

27 "called into the Commissioner's office,

28 "was told he was being transferred

29 "from the Anti-Gambling Branch and that

30 "



1. The first

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1 "he, the Commissioner, was not satisfied  
2 "with the progress that had been made  
3 "by the branch."

4 A. I don't recall those words being  
5 used at that time.

6 THE COMMISSIONER: Q. Did you tell Mr.  
7 Wilson that recently?

8 A. I may have but I don't recall  
9 Commissioner McNeill using that ---

10 Q. Did you tell that to Mr. Wilson  
11 recently?

12 A. As I say, I may have.

13 Q. If you did, why would you if it  
14 wasn't a fact?

15 A. Only the fact that I cannot  
16 recall Commissioner McNeill making that or  
17 putting the statement in so many words.

18 Q. In substance, did he say that?

19 A. It is possible, yes, sir.

20 Q. What do you mean, "It is possible"?

21 A. Because I cannot recall the  
22 conversation at that time between the  
23 Commissioner and myself, my lord.

24 Q. Apparently when you were talking  
25 to Mr. Wilson you did recall the substance  
26 of it. If Mr. Wilson is right you told him  
27 within the last matter of weeks.

28 MR. WILSON: Months.

29 THE COMMISSIONER: Q. Months. In March  
30





1 of this year. The Commissioner told you he  
2 was transferring you because he wasn't  
3 satisfied with the progress the Anti-Gambling  
4 Squad was making. Did you tell that to  
5 Mr. Wilson?

AA/4 6 A. I did. If Mr. Wilson has that  
7 recorded, that is the result of my interview  
8 with Mr. Wilson.

9 Q. You wouldn't tell him something  
10 that was not true?

11 A. No, sir, I would not.

12 Q. Then the Commissioner did say  
13 that to you?

14 A. I would say yes to that, my lord.

15 MR. WILSON: Q. Around about the time  
16 you were transferred out of the Branch was  
17 Cronin transferred out?

18 A. Yes, sir.

19 THE COMMISSIONER: Just a moment. All  
20 right.

21 MR. WILSON: Q. You are familiar with  
22 the Veterans Riverdale Social Club in  
23 Downsville?

24 A. Yes, sir.

25 Q. And prior to December 15th of  
26 1953, you had been on raids on those  
27 premises?

28 A. On one previous occasion, sir.

29 Q. What was the date of that  
30





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1906.



1 previous raid?

2 A. September the 17th, 1953.

3 Q. And that particular raid, was it a  
4 raid by your Branch or in association with the  
5 North York Police?

6 A. In association with the North  
7 York Police Officers.

8 Q. Was the one in September quite  
9 an elaborate raid?

10 A. Yes, sir. In numbers.

11 Q. Yes. And on that occasion did  
12 you have any difficulty in getting into the  
13 premises?

14 A. I cannot recall the circumstances  
15 surrounding our entry on that occasion.

16 Q. And when you did get into the  
17 premises on that occasion what was going on  
18 on the premises?

19 A. I don't recall the circumstances  
20 too well. I know there was no evidence  
21 obtained of the premises being used as a  
22 common gaming house on that occasion, but  
23 I don't recall the surrounding circumstances.

24 Q. Now, on December 15th, 1953,  
25 how did it come about that you conducted a  
26 raid on the same premises?

27 A. On the morning of December the  
28 15th, 1953, while on duty at the Anti-Gambling  
29 office, 295 Sherbourne Street in Toronto, I  
30







1 received an anonymous telephone call from a male  
2 person that resulted in my being made aware  
3 that there would be a dice game in progress  
4 at the premises of the Vets Riverdale Club  
5 that night. As a result I instructed  
6 Provincial Constable Miller to take out a  
7 search order and as there were only three  
8 of us on duty in Toronto on that date I  
9 again enlisted the aid of the North York  
10 Police Department through Inspector George  
11 Wilson.

12 Q. Did the North York Police know  
13 where they were going to raid when you  
14 made the arrangements to meet with them?

15 A. Other than Inspector Wilson.

16 Q. And did your men, Miller and  
17 Sheldon, know where you were going?

18 A. Certainly Miller did.

19 Q. Miller did?

20 A. Yes, because I instructed him to  
21 take out the order to search.

22 Q. Now, when you got to the premises  
23 of this club on the evening of December 15th,  
24 how did you get into the premises?

25 A. We had driven in.

26 Q. First of all, who did you drive  
27 to the premises with?

28 A. I left the Anti-Gambling Office  
29 with Sheldon and Miller and proceeded to  
30





1 rendezvous with Inspector Wilson and whatever  
2 officers he was bringing with him. That was  
3 on North Dufferin Street. We then proceeded  
4 in the two cars to the premises in question.

5 Q. Who were in the car that you  
6 proceeded in from that point?

7 A. I believe I was joined by  
8 Inspector Wilson at that time, although I  
9 can't be too certain.

10 Q. Who else would be in the car?

11 A. Sheldon and Miller.

12 Q. Yes. Before you reached the  
13 premises had there been any discussion about  
14 the possibility of a revolver being found  
15 on one of the persons who might be there?

16 A. None that I recall, sir.

17 Q. And was there any discussion as  
18 to who one might expect to be the operator  
19 of the game?

20 A. No, I cannot recall that.

21 THE COMMISSIONER: Q. Do I understand  
22 you were in the car with Sheldon?

23 A. Yes, sir.

24 Q. Somebody stated that some one  
25 there would possibly be carrying a revolver  
26 but you don't remember that?

27 A. I do not remember, my lord.

28 MR. WILSON: Q. When you got to the  
29 premises how did you gain entry?  
30





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1 A. We left the cars and approached  
2 the entrance and I found the door locked.  
3 I recall rattling the door handle and calling  
4 out, "Open this door, what the hell's the  
5 matter?", and some one on the inside opened  
6 the door. We then entered the premises  
7 and the main body of us made directly for  
8 the second floor.

9 Q. Could you see in through the  
10 glass on that occasion?

11 A. I can recall seeing forms.  
12 Whether the glass was clear or possibly frosted,  
13 but I remember some one approached from the  
14 inside and opened that door.

15 Q. Did the premises have a signal  
16 service, a buzzer and a signal service?

17 A. That I can't say.

18 Q. You can't say?

19 A. Not at this time.

20 Q. Did you make no examination?

21 A. Not at that time.

22 Q. At any other time?

23 A. Not by myself.

24 Q. Well, did any of your men make an  
25 examination and report to you?

26 A. Not that I recall, sir. I know  
27 that much, that I can remember that the  
28 windows had the same type of heavy screens  
29 that we had been meeting up with on other  
30







1 premises throughout the province.

2 Q. Well, after you entered the door  
3 that was locked was any alarm given by any one?

4 A. No, sir.

5 Q. Nobody shouted out, "The police  
6 are here"?

7 A. Well, we lost no time.

8 Q. I know. I grant you you lost no  
9 time. Nobody shouted out, "The police  
10 are here"?

11 A. Not that I heard.

12 Q. And you then proceeded directly  
13 upstairs to the gaming room?

14 A. That is correct, sir.

15 Q. And did you find any other doors  
16 locked?

17 A. No. We had direct access right  
18 through to the room.

19 Q. And when you reached the gaming  
20 room was the game still in progress?

21 A. It was, sir.

22 Q. Then what did you do when you  
23 reached the gaming room?

24 A. I took up a position on the side  
25 of the table opposite to where Mr. Simone had  
26 been standing and directed my attention to a  
27 man at the right end of the table, one Edward  
28 Miller. I concentrated on him and from my  
29 observations charged him jointly as a keeper  
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1 of a common gaming house with Simone.

2 Q. Did you know Miller before this  
3 time?

4 A. I may have. I may have had to do  
5 with him but cannot tie him in at this time.

6 Q. Did you know Simone before this  
7 time?

8 A. At least his name was familiar  
9 to us. I may have had his name involved on  
10 the previous occasion when we unsuccessfully  
11 raided the premises.

12 Q. Did you observe what Simone was  
13 doing when you entered the room?

14 A. As I recall it, he picked up a  
15 bundle of money and a chip rack and left the  
16 table and moved to his left, and was  
17 eventually brought back to the centre of  
18 the table by Constable Sheldon.

19 Q. Yes. And what occurred at that  
20 time?

21 A. The money and chips were returned  
22 to the table. Constable Sheldon asked  
23 Simone to empty his pockets, the contents of  
24 his pockets on to the table and then  
25 proceeded to frisk him, starting at his ankles,  
26 and as he progressed up his leg he stood up  
27 and directed Simone to remove something  
28 from his sock and put it on the table.

29 THE COMMISSIONER? Q. You say he frisked  
30





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1 him, starting at his ankles?

2 A. Yes. He went right down to the  
3 ankles.

4 Q. He frisked him starting at his  
5 ankles?

6 A. Starting up from his ankles.

7 Q. Coming up?

8 A. That is right.

9 Q. That is not the usual way that  
10 officers frisk a man, is it?

AA/5 11 A. Well, as a general rule, my lord,  
12 in those types of premises we just ask them  
13 to empty the contents of their pockets.

14 Q. Yes. We are still talking  
15 about frisking. I don't know too much about  
16 this, but if you are looking for some one  
17 who you suspect is carrying a gun you don't  
18 start down at the boot tops?

19 A. Well, in my experience I have  
20 never had occasion to go over any one for a  
21 gun.

22 Q. It seems logical to me, if you  
23 are looking for a man supposed to be having  
24 a gun on his person, you don't start at his  
25 boots?

26 A. Actually I personally wasn't  
27 looking for a weapon.

28 Q. From your experience and knowledge  
29 as a police officer do you agree with me? You  
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Page

These findings are very important.  
The results of the study are as follows:  
1. The first finding is that the majority of the respondents are male.  
2. The second finding is that the majority of the respondents are aged between 25 and 35.  
3. The third finding is that the majority of the respondents are employed.  
4. The fourth finding is that the majority of the respondents are from the urban areas.  
5. The fifth finding is that the majority of the respondents are from the middle class.  
6. The sixth finding is that the majority of the respondents are from the South East region.  
7. The seventh finding is that the majority of the respondents are from the private sector.  
8. The eighth finding is that the majority of the respondents are from the manufacturing sector.  
9. The ninth finding is that the majority of the respondents are from the services sector.  
10. The tenth finding is that the majority of the respondents are from the construction sector.  
11. The eleventh finding is that the majority of the respondents are from the health sector.  
12. The twelfth finding is that the majority of the respondents are from the education sector.  
13. The thirteenth finding is that the majority of the respondents are from the government sector.  
14. The fourteenth finding is that the majority of the respondents are from the non-governmental sector.  
15. The fifteenth finding is that the majority of the respondents are from the voluntary sector.  
16. The sixteenth finding is that the majority of the respondents are from the social sector.  
17. The seventeenth finding is that the majority of the respondents are from the cultural sector.  
18. The eighteenth finding is that the majority of the respondents are from the sports sector.  
19. The nineteenth finding is that the majority of the respondents are from the arts sector.  
20. The twentieth finding is that the majority of the respondents are from the media sector.  
21. The twenty-first finding is that the majority of the respondents are from the entertainment sector.  
22. The twenty-second finding is that the majority of the respondents are from the technology sector.  
23. The twenty-third finding is that the majority of the respondents are from the science sector.  
24. The twenty-fourth finding is that the majority of the respondents are from the business sector.  
25. The twenty-fifth finding is that the majority of the respondents are from the finance sector.  
26. The twenty-sixth finding is that the majority of the respondents are from the law sector.  
27. The twenty-seventh finding is that the majority of the respondents are from the medicine sector.  
28. The twenty-eighth finding is that the majority of the respondents are from the engineering sector.  
29. The twenty-ninth finding is that the majority of the respondents are from the architecture sector.  
30. The thirtieth finding is that the majority of the respondents are from the design sector.





1 would frisk his hips and his pockets first, I  
2 should think. Would you agree with that?

3 A. I agree with that.

4 Q. Yes. But Sheldon started down at  
5 the boot tops?

6 A. Yes, I saw Sheldon ---

7 Q. That is where he started?

8 A. That is correct.

9 Q. That is where the dice were?

10 A. In the sock.

11 Q. In the sock, not the top of the  
12 shoe?

13 MR. WILSON: Q. From where you were  
14 standing could you observe the feet of Simone  
15 and that part of the frisking that occurred,  
16 you might say, where he started at the  
17 bottom?

18 A. No, sir, I could not, because  
19 I was on the opposite side of the table  
20 from him.

21 THE COMMISSIONER: Q. Why did you tell  
22 me a moment ago that is where he did start?

23 A. He went right down to the  
24 floor and started to come up.

25 Q. Then you could observe what he  
26 was doing to that extent at least?

27 A. Well, just the fact he dropped  
28 out of my sight. He asked Simone to produce  
29 the dice.  
30



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1 MR. WILSON: Q. After he came up he then  
2 asked Simone to produce the dice?

3 A. That is correct.

4 Q. What did Simone do?

5 A. Simone produced the dice.

6 Q. Did he reach down?

7 A. As I recall, yes.

8 Q. Could you see where he reached down?

9 A. He just reached down out of my  
10 sight.

11 Q. Out of your sight? And he came  
12 up with?

13 A. A pair of dice.

14 Q. A pair of dice? Can you tell from  
15 where he got those dice whether it was from the  
16 floor or from his socks or where?

17 A. Not where I could see, no.

18 Q. No. And then what happened with  
19 the dice?

20 A. Sheldon examined the dice and  
21 then threw them across the table with the  
22 request that I look at them and they proved  
23 to be a pair of mis-spots. In other words,  
24 they were not ---

25 Q. Simone brought them up from a  
26 point which was below your vision?

27 A. That is right.

28 Q. And then did he hand them to  
29 Sheldon?  
30





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1 A. Either handed them to Sheldon or  
2 set them on the table in front of Sheldon.  
3 Sheldon looked the dice over and threw them  
4 across the table.

5 Q. And asked you to look at them?

6 A. That is correct.

7 Q. Did you do so?

8 A. I did.

9 Q. What did you observe?

10 A. There were two threes on one die  
11 and two fours on the other.

12 Q. Did you ever see dice of that kind  
13 in any game you ever raided?

14 A. No. That was the first occasion.  
15 I have seen dice but not under that circum-  
16 stance.

17 Q. Have you ever seen that type of  
18 dice in any game you have raided?

19 A. No, sir, I have not.

20 THE COMMISSIONER: Q. How many games  
21 have you raided in your life?

22 A. I could ---

23 Q. A hard question?

24 A. After twelve years on that particular  
25 type of work I couldn't estimate.

26 Q. Many, many?

27 A. Yes, my lord.

28 MR. WILSON: Q. Well, then, was any  
29 statement made to those people who were  
30



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1 assembled there about the dice by you or anybody  
2 else?

3 A. Having looked at the dice I was  
4 approached by one of the persons on the  
5 premises who requested to be allowed to  
6 examine them and I handed him the dice to  
7 look them over.

8 Q. Could you tell us who the man  
9 was who approached you and asked to look  
10 at the dice?

11 A. He is known to me as Bunny Dunlop.

12 THE COMMISSIONER: Bunny Dunlop?

13 MR. WILSON: Q. Al Dunlop?

14 A. I don't know his first name.

15 THE COMMISSIONER: Q. Who is he again?

16 A. He is a wrestling referee at  
17 Maple Leaf Gardens, my lord.

18 MR. WILSON: Q. Had you known him prior  
19 to this time as a person who frequented gaming  
20 establishments?

21 A. No, sir.

22 Q. Then did Dunlop make any statement  
23 to the people who were there?

24 A. He did make a very threatening  
25 statement to Simone.

26 Q. What was the threatening statement  
27 that he made?

28 A. That he wanted \$15,000 or he  
29 would break every blankety, blankety bone in  
30



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1 Simone's body.

2 THE COMMISSIONER: Q. Just a moment.  
3 Threatened Simone and demanded?

4 A. \$16,000.

5 Q. What did Simone say?

6 A. I cannot recall.

7 Q. I suppose Dunlop accused him of  
8 using these phony dice?

9 A. That was the inference, my lord.

10 Q. I suppose the inference would be  
11 \$16,000 had been lost by Dunlop?

12 A. That is the way I took it.

13 MR. WILSON: Q. Was there anything else  
14 apart from the picking up of all the evidence  
15 that you required for the purpose of your  
16 prosecution?

17 A. No, sir.

18 Q. Did you advise Miller and Simone  
19 that they were to be charged, and were they  
20 warned?

21 A. That is correct. In the presence  
22 of Inspector Wilson they were informed that  
23 they would be charged jointly with keeping a  
24 common gaming house at the premises in  
25 question. They were given the usual caution  
26 and eventually removed to the North York  
27 Police Station and released on bail.

28 THE COMMISSIONER: Q. Were they ever  
29 threatened with any prosecution for any other  
30





ANNUAL REPORT

FOR THE YEAR ENDING DECEMBER 31, 1941

REPORT OF THE DIRECTOR OF THE BUREAU OF ENTOMOLOGY

W. H. KROMBEIN, Director

U.S. DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

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1 offence arising out of that raid?

2 A. No, my lord.

3 MR. WILSON: Q. Did you have a call from  
4 Mr. Rose, sitting here?

5 A. I do not know Mr. Rose.

6 Q. Did somebody call you yesterday  
7 and identify themselves as Walton C. Rose?

8 A. Walton Rose, yes, sir.

9 Q. What did he want to know?

10 A. He mentioned that Mr. Simone had  
11 given evidence under oath before this inquiry  
12 and that they didn't believe the truth of  
13 the statements, and informed me that I was  
14 being subpoenaed to give evidence. He  
15 questioned me about the door being open  
16 and informed me that Mr. Simone had intimated  
17 the dice had been planted.

18 MR. WILSON: That is all, thank you.

19 THE COMMISSIONER: Mr. Rose?  
20  
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1 EXAMINED BY MR. ROSE:

2 Q. I believe I told you I got your  
3 phone number from Chief Inspector Harold  
4 Graham?

5 A. That is correct, sir.

6 Q. And I believe I also wanted to  
7 know who the officers were on this raid on  
8 December 15th, 1953?

9 A. I identified Constable Sheldon.

10 Q. Mr. Sheldon. Then you were  
11 going to call Chief Inspector Graham, I  
12 believe, after I was speaking with you?

13 A. That is correct.

14 Q. As a result you were subpoenaed  
15 here to-day and Mr. Sheldon was?

16 A. Well, I'm here.

17 Q. On the raid on September 17th,  
18 1953, were you obtained no evidence on which  
19 to lay a charge, you say you don't recall  
20 how you originally made entry into the  
21 premises?

22 A. No, I do not recall at this  
23 time whether it was a forced entry made or  
24 whether -- there was a large number of  
25 officers present. In fact, that was a  
26 united effort between the North York  
27 Police Department and ourselves and the  
28 only occasion on which we had such a  
29 number of uniformed police officers and I  
30





1 cannot recall the circumstances at this time.

AA/6 2 THE COMMISSIONER: Q. Who initiated that  
3 first raid, the O.P.P. or the North York  
4 Police?

5 A. I believe it was the North York  
6 Police, my lord.

7 MR. ROSE: And when you went on the  
8 raid on September 17th, did you follow sub-  
9 stantially the same procedure that you did  
10 on the raid of December the 15th?

11 A. No, sir. We approached the  
12 premises from the rear through fields on  
13 that occasion on foot for a considerable  
14 distance.

15 Q. I see. I am talking about the  
16 time you made entry. Did you go down the  
17 corridor and up the staircase leading to  
18 the second floor?

19 A. Yes.

20 THE COMMISSIONER: That is the only way  
21 you could get to the second floor,  
22 I understand?

23 A. Yes, my lord.

24 MR. ROSE: Q. Was the door at the  
25 bottom of this staircase leading to the second  
26 floor open or closed on the 17th of September?

27 A. The 17th of September?

28 Q. Yes.

29 A. I can't say.  
30





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1 Q. Was the door at the top of the  
2 staircase open or closed on the 17th of  
3 September?

4 A. I cannot recall the circumstances  
5 at all.

6 Q. You never reported that raid?  
7 You have a report that was made in respect  
8 to that raid?

9 A. I would have to refer back to  
10 the files of that time.

11 Q. After you got inside of where  
12 the gaming room was, there is no doubt in  
13 your mind at all that Simone was the person  
14 who produced the two phony dice? This  
15 pair of phony dice, there is no doubt he had  
16 them in his hand? He was the one that  
17 produced them?

18 A. On the occasion of the raid on  
19 December ---

20 Q. The 15th of December.

21 A. 15th of December. Yes, sir.

22 Q. And he either handed them to  
23 somebody or laid them on the table?

24 A. That is correct, sir.

25 Q. And you say Mr. Sheldon took a  
26 look at them?

27 A. Yes, sir.

28 Q. And then he didn't say anything  
29 to you except, "Look at these"?  
30



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1           A.       He said, "Take a look at these,  
2       Sergeant", and threw them across the table.

3           Q.       Did either you or he or any  
4       other officer have a statement to make to the  
5       assembled gathering, "Look at what kind of  
6       dice you have been playing with"?

7           A.       I may have made that statement  
8       as I handed them to Dunlop.

9           Q.       Did you say this to Dunlop or  
10       to the gathering?

11          A.       Well, Dunlop was standing right  
12       beside me.

13          Q.       At the time that Mr. Sheldon  
14       threw the dice over to you and said, "Take a  
15       look at these, Sergeant", could Simone hear  
16       him?

17          A.       Yes, sir.   He was just right  
18       directly the width of a table away from him.

19          Q.       And did Simone say anything at  
20       the time that Sheldon told you to take a  
21       look at them?

22          A.       I do not recall any statement  
23       by Mr. Simone at that time.

24          Q.       And after you looked at them  
25       and showed them to Dunlop, did Simone say  
26       anything when you told Dunlop, "Look at the  
27       type of dice you have been playing with"?

28          A.       Dunlop became quite aggravated.

29          Q.       Did Simone say anything at this  
30

[illegible]



1 particular moment?

2 A. I cannot recall.

3 Q. Did he say anything after Dunlop  
4 threatened to break his bones unless he got  
5 the \$16,000 back?

6 A. I just cannot recall.

7 Q. I see. Now, it was right in the  
8 premises that you arrested Simone on a charge  
9 of keeping a common gaming house?

10 A. That is correct.

11 Q. I believe you told us you gave  
12 him the official caution?

13 A. That is right.

14 Q. He understood the charge, and did  
15 he have anything to say in answer to the  
16 charge?

17 A. That is correct.

18 Q. Did he have anything to say in  
19 answer to the charge?

20 A. I do not recall. I don't know  
21 whether ---

22 Q. You have had occasion to read this  
23 report, this Exhibit 274-A?

24 A. Not to any degree.

25 Q. Paragraph No. 7.

26 THE COMMISSIONER: Q. Who made the report?

27 A. Constable Sheldon, my lord.

28 Q. Did you help him?

29 A. It is quite possible.  
30





Q. Now, what time was that?

A. I am not sure.

Q. Did you see anyone else there?

A. I saw a man in a dark suit and a woman in a light dress.

Q. Did you see anyone else there?

A. I saw a man in a dark suit and a woman in a light dress.

Q. Did you see anyone else there?

A. I saw a man in a dark suit and a woman in a light dress.

Q. Did you see anyone else there?

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Q. Did you see anyone else there?

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Q. Did you see anyone else there?

A. I saw a man in a dark suit and a woman in a light dress.

Q. Did you see anyone else there?

A. I saw a man in a dark suit and a woman in a light dress.

Q. Did you see anyone else there?

A. I saw a man in a dark suit and a woman in a light dress.

Q. Did you see anyone else there?

A. I saw a man in a dark suit and a woman in a light dress.



1           MR. ROSE: Q. See if this recalls anything  
2 to your mind, Mr. Von Zuben.

3           "William Dominic Simone and Edward  
4           "Miller, in the presence of each  
5           "other and Sergeant George Wilson,  
6           "were informed by Sergeant  
7           "Von Zuben that they would be  
8           "charged jointly with keeping  
9           "a common gaming house at the  
10          "premises situate and known as  
11          "Veterans Riverdale Social Club,  
12          "lots 14 and 15, Concession 4,  
13          "in the Township of North York,  
14          "on the 15th day of December,  
15          "1953, and each were given the  
16          "official caution to which  
17          "Simone replied, 'I have nothing  
18          "to say'."

19       End of quote.

20       Having heard me read that Paragraph 7  
21 to you, is your memory at all freshened?

22       A.       Not from what appears there.

23       Q.       Do you agree or disagree with the  
24 statement?

25       A.       I agree with the statement.

26       Q.       Now, I notice that you said to  
27 the learned Commissioner that in respect to  
28 the dice that one die had two threes on it  
29 and the other die had two fours on it, is  
30







1 that correct? Just to keep things straight,  
2 usually a die has only one three on it?

3 A. That is correct.

4 Q. Or one four on it, is that correct?

5 A. That is right.

6 Q. Can you tell me in respect to the  
7 die which had the two threes on it, what  
8 number was replaced by the second three?

9 A. No, sir.

10 Q. You can't? Nor, I suppose, can  
11 you, in respect to the die with the two fours  
12 on it?

13 A. No, sir.

14 Q. And I believe that you described  
15 the dice to the Commissioner as being mis-  
16 spots?

17 A. That is a term that is used to  
18 describe dice of that type.

19 Q. And I would presume -- correct me  
20 if I am wrong, if you know -- with dice of  
21 this type there would be a better chance  
22 of a shooter selling out than with ordinary  
23 dice?

24 A. The chances of throwing a seven,  
25 the fact there is two threes on one die, two  
26 fours on the other, I'd say the chances were  
27 twice as good of him throwing a seven.

28 Q. At least twice as good?

29 A. At least twice as good.  
30

[illegible]



1 THE COMMISSIONER: Q. I don't know anything  
2 about crap games, but from the little bit I  
3 have gathered from this hearing and heard  
4 people talking, is my understanding right  
5 that when a player is given the dice and he  
6 throws them and it is a seven, does he win?

7 A. On the first throw.

8 Q. On the first throw?

9 A. Yes, my lord.

10 Q. I see.

11 A. I can't qualify as an expert in  
12 this.

13 Q. Well, that is my understanding.

14 A. Yes.

15 Q. You seem to think perhaps I am  
16 right. I suppose the odds of throwing a seven  
17 the first time would be greater if there are  
18 two threes on one cube and two fours on the  
19 other?

20 A. That is correct, my lord.

21 Q. Well, then, by the same token, if  
22 he throws a five or on the first throw he has  
23 to make a five before he throws a seven?

24 A. That is correct, to win his  
25 point.

26 Q. To win his point?

27 A. That is correct.

28 MR. ROSE: Those are all the questions I  
29 have.  
30





EXAMINED BY MR. WILSON:

Q. There were other pairs of dice found in the gaming room on that occasion?

A. I believe there were, sir.

Q. Were they on the floor?

A. I believe there was one pair on the table that had been in use in the game.

Q. Were there other dice apart from that?

A. I believe there were but I can't say.

Q. Was there anything wrong with any of the other dice apart from the ones that were found in the way you have described?

A. Not to my knowledge.

MR. WILSON: That is all, thank you.

MR. LAWLOR: My lord, may I ask a question?

THE COMMISSIONER: I am sorry, I have forgotten your name.

MR. LAWLOR: Mr. Lawlor.



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1 EXAMINED BY MR. LAWLOR:

2 Q. Could you tell us any more about  
3 the anonymous telephone call you got? I  
4 understand it simply said there would be a  
5 game in progress that evening. Is that as  
6 much as was said?

7 A. To the best of my recollection  
8 now. There could have been. This is almost  
9 nine years ago and I am going strictly from  
10 memory.

11 Q. Were there any names mentioned  
12 as far as you can recollect?

13 A. Not that I can recall.

14 THE COMMISSIONER: Q. Except at this  
15 particular premises?

16 A. That is right. The premises  
17 was named.

18 MR. LAWLOR: Q. Simone's name wasn't  
19 mentioned?

20 A. It may have been.

21 Q. Was the conversation fairly long?

22 A. No, it was very short.

23 Q. Do you know either Mr. Feeley or  
24 Mr. McDermott?

25 A. I am acquainted with seeing  
26 them, yes.

27 Q. You have never spoken to them?

28 A. I have had occasion to.

29 Q. At that time, or subsequent to that  
30



DECLARATION

I, the undersigned, do hereby declare that the foregoing is a true and correct copy of the original as the same appears in my possession.

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1 time?

2 A. I had no reason to talk to them on  
3 that particular occasion. Neither one of  
4 those two men were there on that occasion.

5 Q. Would you know them in 1953?

6 A. Yes, sir.

7 Q. And would you feel that the voice  
8 on the telephone was disguised or would you  
9 be able to tell either one of those voices  
10 if you heard it?

11 A. I couldn't attempt to identify  
12 that voice.

13 THE COMMISSIONER: Q. In all your  
14 history of raiding, all the time you were on  
15 the Anti-Gambling Squad, have you ever on  
16 any other occasion got an anonymous call  
17 tipping you off there would be a dice game  
18 at a certain place at a certain time?

19 A. Yes, my lord.

20 Q. Is that familiar practice?

21 A. It was over the years I was in  
22 the Anti-Gambling Branch. In fact, we  
23 obtained good results from anonymous infor-  
24 mation, both written and telephoned.

25 Q. As to the game at a definite  
26 time?

27 A. Well, not an hour, but they  
28 would say "to-night" or ---

29 MR. LAWLOR: Q. Were you on the Squad  
30







1 for twelve years?

2 A. That is correct.

3 Q. Had you any reason during that time,  
4 and particularly after, say, 1948, to believe  
5 there were any leaks in your department?

6 A. Well, eventually I was forced to  
7 the conclusion.

8 Q. "Eventually" was when?

9 A. Possibly in 19-- the most solid  
10 instance was about 1953.

11 Q. What was that instance?

12 A. I am just saying about 1953. I  
13 would have to refer to specific files now to  
14 make that concrete date.

15 Q. And what was that instance?

16 A. A raid that had been -- at least,  
17 a situation that had been developed in regard  
18 to the Alpha Club in which two members of  
19 the Anti-Gambling Branch had been secreted  
20 in the garret of the premises over the  
21 gaming room and had been furnished with  
22 materials to make them comfortable as could  
23 be for a period of hours to eventually  
24 observe the operation of a bank dice game  
25 below them.  
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27 (Page 11595 follows)  
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1 And having successfully entered the premises  
2 and waiting a long period of hours they were  
3 uncovered by two persons who came on to the  
4 second floor, searched the premises, and  
5 eventually uncovered the two men in the garret.

6 MR. LAWLER: Q. That is prior to  
7 any dice taking place?

8 A. That is prior to anyone,  
9 other than the two persons who were responsible  
10 for the play ---

11 Q. The men in the garret?

12 A. Yes, sir.

13 Q. And you said eventually, and  
14 you mean that there were indications prior  
15 to that time which would have aroused your  
16 suspicion?

17 A. Not so much indication, just  
18 an odd hint here and there, and in fact during  
19 the years we had been receiving tips that  
20 the squad was active in a certain area during  
21 the night, which when checked out, was proved  
22 not to be the fact. We couldn't always go  
23 on the information at that time coming back  
24 to us.

25 Q. Yes?

26 A. On one particular occasion I  
27 remember we received information that the squad  
28 was in the City of St. Catharines, when, to  
29 actual fact, they were operating that same night  
30



1. The first part of the report is devoted to a general survey of the situation in the country.

2. The second part is devoted to a detailed study of the various branches of the economy.

3. The third part is devoted to a study of the social and cultural life of the country.

4. The fourth part is devoted to a study of the political and administrative system of the country.

5. The fifth part is devoted to a study of the foreign relations of the country.

6. The sixth part is devoted to a study of the military and naval forces of the country.

7. The seventh part is devoted to a study of the scientific and technological progress of the country.

8. The eighth part is devoted to a study of the art and literature of the country.

9. The ninth part is devoted to a study of the history and traditions of the country.

10. The tenth part is devoted to a study of the future prospects of the country.

11. The eleventh part is devoted to a study of the current events and news of the country.

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28. The twenty-eighth part is devoted to a study of the military and naval forces of the country.

29. The twenty-ninth part is devoted to a study of the scientific and technological progress of the country.

30. The thirtieth part is devoted to a study of the art and literature of the country.



1 down in Eastern Ontario.

2 Q. Whose squad?

3 THE COMMISSIONER: The gambling squad.

4 THE WITNESS: The anti-gambling squad,  
5 sir.

6 MR. LAWSON: Q. Did you know -  
7 I suppose you worked very closely with Sergeant  
8 or Constable Cronin at that time?

9 A. That's correct.

10 Q. That was over a period of many  
11 years?

12 A. Yes.

13 Q. What did Constable Cronin -  
14 did he have knowledge of the raid on the  
15 Riverdale Club of September 17th, 1953?

16 A. I cannot answer that. Not  
17 in September, I can't answer that.

18 Q. May he have been - he was on  
19 the squad at that time?

20 A. 1953, yes, sir, he was.

21 Q. I don't wish to embarrass  
22 you the least, but what, in your opinion, are  
23 the reasons why you were transferred?

24 A. Well, if I may be excused  
25 from answering that.

26 Q. I prefer the answer. I  
27 would prefer you to answer it, but it is up  
28 to the Commissioner whether you answer it or  
29 not.

30 THE COMMISSIONER: I think you should





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1 answer that.

2 Q. You have you own opinion?

3 A. I have, sir.

4 Q. All right, what is it?

5 A. Actually, at the time Inspector  
6 Tomlinson was, although absent, was in effect  
7 the head of the branch and I had been instructed  
8 to operate in his absence as the officer in  
9 charge. With the passage of time, Tomlinson  
10 was given control of the College which demanded  
11 his full attention, and it was at that time  
12 that I took over the active administration  
13 of the branch, and for a reason unknown to me,  
14 I have every reason to believe that Tomlinson  
15 possibly was perturbed with the situation  
16 as it eventually developed here in the Province,  
17 and he had approached the Commissioner  
18 without my knowledge, and as a result I was  
19 transferred from the branch.

20 THE COMMISSIONER: You said perturbed.  
21 He wasn't satisfied with the result, is that  
22 what you mean?

23 A. That is correct, and not only  
24 overlooking the fact that the various premises  
25 in operation at that time were in operation  
26 when he was, Tomlinson, actively at the head  
27 of the branch.

28 MR. LAWSON: That is all the questions  
29 I have.

30 THE COMMISSIONER: Mr. Wilson?







1                   MR. WILSON: I have nothing further.

2                   THE COMMISSIONER: That's all.

3                   ---The witness withdrew.

4  
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6                   MR. WILSON: Now call Ernest Miegely.



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ERNEST MIDGELEY, sworn

MR. ROSE: Mr. Commissioner, I appear as counsel for this witness, and I would inform the Commission that he objects to answer each and every question put to him on the ground that it might tend to incriminate him or make him liable to a civil action at the instance of the Crown or any other person, and rather than having to make that objection after each question, I wonder if it might be taken down for the purposes of the record that the objection has been made after the asking of every question.

THE COMMISSIONER: You heard what counsel said?

A. Yes.

Q. Do you, in anticipation, object to answer questions that might be put to you and might incriminate you?

A. Yes, I will go along with my counsel.

THE COMMISSIONER: All right, protection of the Act granted.

EXAMINED BY MR. WILSON:

Q. You reside at --





THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

TO THE HONORABLE THE PRESIDENT OF THE UNIVERSITY

AND THE FACULTY OF THE UNIVERSITY

OF CHICAGO

IN CONNECTION WITH THE

ANNIVERSARY OF THE

UNIVERSITY OF CHICAGO

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DEPARTMENT OF THE HISTORY OF ARTS



1 THE COMMISSIONER: Just a moment  
2 before you get started.

3 Q. On what day were you -- you  
4 just recently finished a sentence?

5 A. Ma, hum.

6 Q. Don't say "ma, hum", say yes.

7 A. Yes.

8 Q. On what date did you -- were  
9 you convicted?

10 A. I think the 28th of June.

11 Q. The 28th of June. Following  
12 your conviction, you were serving a term?

13 A. Yes, I was convicted and  
14 two months sentence and a fine.

15 Q. Well, prior to that you were  
16 out on bail?

17 A. Yes.

18 Q. For a considerable period of  
19 time?

20 A. Roughly seven months.

21 Q. Seven months. Now some time  
22 prior to the date that you were convicted,  
23 and when you were out on bail, did you telephone  
24 my home?

25 A. No, sir.

26 Q. You swear to that?

27 A. No, definitely -- most definitely.

28 My wife did bring about to me -- and I said --  
29 I put it down to a crank. I didn't even think  
30



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1 there was any sense to it. I wouldn't have  
2 the nerve to start with.

3 Q. Well, I suppose your wife  
4 informed you that I communicated with her  
5 by telephone and said that someone who said  
6 he was Ernest Hildgely had been trying to get in  
7 touch with me?

8 A. First she mentioned that some-  
9 one else had called and I think later that  
10 supposedly you.

11 Q. Yes, I called her.

12 A. Well, I had no knowledge or  
13 no proof that it was you, and I just put it  
14 down as being a crank. I didn't think that  
15 that would be the method that you would try  
16 to approach me over the phone.

17 Q. I didn't try to approach you.

18 A. Well, contact me.

19 Q. Well, someone telephoned me  
20 and represented themselves as Ernest Hildgely  
21 and wanted to see me --

22 A. You can rest assured that it  
23 wasn't me.

24 Q. It wasn't you?

25 A. Definitely not.

26 Q. Oh, all right. Mr. Wilson.

27 MR. WILSON: Q. Where do you  
28 reside?

29 A. 33 Princeton Road in Etobicoke.  
30





1 Q. How old are you?

2 A. Fifty-one.

3 Q. And when did you leave school -  
4 what schooling did you have?

5 A. I went through public school,  
6 and prior - part of a year in Central  
7 Technical School.

8 Q. And that was -- how were you  
9 employed?

10 A. Well, I was in the newspaper  
11 business for a few years and had quite a large  
12 newsstand. I worked for the Evening Telegram  
13 and the Globe for a few years.

14 THE COMMISSIONER: Q. In what  
15 capacity?

16 A. In the delivery - circulation.

17 Q. Oh, I see.

18 MR. WILSON: Q. Yes?

19 A. And I worked in the harvest  
20 out west on three different occasions.

21 Q. When did you get into the  
22 gambling business?

23 A. I fooled around with it, I  
24 guess, in the early 30's - thirty years ago.

25 Q. Well, what was the first operation  
26 that you were associated with, or had a piece  
27 of?

28 A. In my earlier days?

29 Q. Yes.

30 A. I was more of a better, and





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1 become a croupier or dealer for quite a few  
2 years.

3 Q. I understand that, but then  
4 you progressed from that to the point where  
5 you --

6 A. Maybe in the 40's I was a  
7 small bookmaker and had small interests in  
8 floating crap games.

9 Q. Then, was your venture with  
10 McDermott and Feeley and Riggs at the Centre  
11 Road Club your first operation when you had  
12 put up part of the money for the bank?

13 A. I had put up money in floating  
14 games.

15 Q. Prior to that time?

16 A. No, hum.

17 Q. Well, you did have some part  
18 in the club at Leaside prior to your venture  
19 in Cooksville, didn't you?

20 A. Not any part other than maybe being  
21 an employee.

22 Q. An employee there?

23 A. Hum, hum.

24 Q. Now as to the Centre Road, we  
25 have been told that the partners were the  
26 persons I have named and yourself, and will  
27 you tell us when that relationship started  
28 and when it ended?

29 A. Well, I just guess at 1952, and  
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1 to the time the club closed, I would think was  
2 two years ago this spring.

3 Q. During that period ---

4 THE COMMISSIONER: Just let him finish.  
5 1952 the club closed and what?

6 A. Two years ---

7 MR. WILSON: Two years ago this spring,  
8 the witness said.

9 THE COMMISSIONER: That would be -  
10 just a moment. During those years from '52  
11 until it closed, were you a partner?

12 A. I had interests off and on  
13 and I did have interest with the game.

14 MR. WILSON: Q. We have been told  
15 that the club closed down just after R.J.  
16 Wright's arrest.

17 A. Well, I would say around May  
18 of 1960.

19 Q. Well, he was arrested on May  
20 the 28th, 1960.

21 A. Well, I don't know whether it  
22 was at the end of or the beginning of May.

23 Q. Well, during that period,  
24 apart from McDermott and Feeley and Riggs,  
25 did anybody else have a piece of the operations?

26 A. Well, I had no knowledge of  
27 that. I done my business with Feeley.

28 Q. With Feeley?

29 A. I'm, I am.  
30



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1 Q. And was yours a definite  
2 percentage throughout or was it fluctuating?

3 A. It was fluctuating because  
4 I wasn't always there and I come late, and I  
5 would take different interests, and if it was  
6 a smaller game I might take a bigger interest,  
7 and in a bigger game a smaller percentage.

8 Q. Did any Americans have any  
9 part in the operation during the period '52  
10 to 1960 out there?

11 A. Definitely not to my knowledge.

12 Q. In the Vets Club, did you  
13 take any part in the actual management of  
14 the club?

15 A. The charter?

16 Q. Well, did you have anything  
17 to do with the charter?

18 A. No, I had nothing to do with --

19 Q. Did you have anything to do  
20 with security?

21 A. Nothing at all.

22 Q. Did you have anything to do  
23 with the records or the membership records?

24 A. Oh, no, no, nothing, nothing,  
25 that was the club secretary, as I understood.

26 Q. Who was the person entrusted  
27 with the job of looking after the security  
28 out there during that period?

29 A. Well, from my viewpoint, it was  
30







1 the strong doors and I guess it was between  
2 the janitor and maybe Mr. Feeley.

3 Q. In other words, his particular  
4 responsibility was to see that the doors  
5 were well taken or looked after and persons  
6 were on the door and so on?

7 A. Well, I wasn't there at the  
8 door. I was at the game, and that is the way  
9 it appeared.

10 Q. Well, who looked after the  
11 hiring of the help, the stickmen and dealers  
12 and so on?

13 A. Well, there were different  
14 members and they chipped in different nights  
15 and helped.

16 THE COMMISSIONER: Q. Well, who  
17 hired them?

18 A. Well, possibly I would ask  
19 for a little help if I needed it, if I was  
20 supervising the game.

21 Q. Well, where would you look  
22 for the help?

23 A. They would be in the club.  
24 They would be there either to play or to  
25 assist me in operating the game.

26 MR. WILSON: Q. And did you keep  
27 any records of what you won or lost over that  
28 period?

29 A. You mean an overall?  
30







1 Q. Yes.

2 A. No.

3 Q. And did you make - how did  
4 you declare your income for income tax purposes?

5 A. Income tax purposes -- where  
6 should I start, at the beginning?

7 Q. Well, did you?

8 A. Yes.

9 Q. Tell us how you did it.

10 A. Well, about 1947 I was  
11 requested by the tax department to - for a net worth  
12 statement and to file for so many years and  
13 which I did. I had a tax expert help me -  
14 a consultant - and established whatever assets  
15 I had, and I later was assessed a certain  
16 amount of money and paid it. For a few  
17 years I filed under that as a commissioner  
18 broker admitting to accepting bets on baseball,  
19 football, hockey and horses, and I discontinued  
20 filing that way and I am not positive of the  
21 year, but I went to work for a mining promoter  
22 around '50.

23 Q. 1950?

24 A. 1950, and I had a couple of  
25 unfortunate years gambling so I discontinued  
26 filing.

27 Q. What way did you file after  
28 that date?

29 A. As an employee of a mining  
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1 promoter.

2 Q. How long did you continue to  
3 file on that basis?

4 A. Right up until a year ago  
5 this spring, last May or June, and the  
6 promoter left Toronto and went to Vancouver,  
7 so our position ---

8 Q. Well, were you paid a salary  
9 by this promoter?

10 A. Yes.

11 Q. Did you get a commission over  
12 and above that?

13 A. No, no, I didn't work on a  
14 commission. I was on a drawing account  
15 actually.

16 Q. Well, then, did you on your  
17 income tax returns, being associated with  
18 this promoter, declare your winnings on your  
19 gambling?

20 A. I didn't have any winnings.

21 THE COMMISSIONER: From what year?

22 A. Well, from just guessing, I  
23 know that a couple of years, '48 or '49, or  
24 '50, weren't very good. I was fortunate to  
25 make something on stock and through the '50's,  
26 through the 50's I filed as my tax consultant  
27 suggested, my earnings, and all my investment  
28 income.

29 MR. WILSON: Q. Now what was your  
30 net worth, as determined by your tax consultant,





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The first part of the document is a list of names and titles, arranged in two columns. The names are written in a cursive script, and the titles are in a more formal, printed font. The list appears to be a roster or a directory of some kind, possibly related to a government or military organization. The names are followed by their respective titles, which are often abbreviated or shortened. The list is organized alphabetically, with the names starting with 'A' at the top and ending with 'Z' at the bottom. The titles are written in a smaller font than the names, and are often in a different color or style to distinguish them. The list is a key component of the document, providing a clear and concise way to identify the individuals involved in the project or organization. The names and titles are written in a way that is easy to read and understand, and the list is well-organized and easy to navigate. The list is a valuable resource for anyone interested in the history or operations of the organization, and it provides a clear and concise way to identify the individuals involved in the project or organization. The names and titles are written in a way that is easy to read and understand, and the list is well-organized and easy to navigate. The list is a valuable resource for anyone interested in the history or operations of the organization, and it provides a clear and concise way to identify the individuals involved in the project or organization.



1 in 1947?

2 A. Well, I am guessing now because  
3 I haven't any record of it. I would think  
4 that I -- I think it was in the right  
5 neighbourhood of \$70,000.

6 Q. Who was your tax consultant  
7 at that time?

8 A. Irwin Taylor.

9 Q. Here in Toronto?

10 A. Yes.

11 Q. And did he continue to act  
12 for you as tax consultant?

13 A. After he brought me up to  
14 date, no.

15 Q. And after that, did you have  
16 assistance in preparing your income tax returns?

17 A. Yes.

18 Q. From whom?

19 A. In recent years, Cliff Lawrence.

20 Q. Yes, we heard of him. And  
21 who was this promoter who employed you over  
22 these years?

23 A. N.T.P. O'Sullivan.

24 Q. When did you say he left  
25 Toronto?

26 A. He moved to Vancouver roughly  
27 a year ago this May.

28 Q. Now when you started in at  
29 the Centre Road, you were aware of that, shortly  
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1 after or round about that time, McDermott and  
2 Feeley had a part in some Simone's operation  
3 at the Veterans Riverdale Club?

4 A. I wasn't aware - I didn't  
5 know that.

6 Q. You didn't know that at all  
7 at any time?

8 A. No, sir.

9 Q. Well, they didn't disclose  
10 that to you that they had an interest in  
11 Simone's operation in Downsview?

12 A. They didn't disclose anything  
13 to me, other than our actual involvement in  
14 our games.

15 Q. Now what was your first  
16 association with the Jordan Club?

17 A. Well, it was brought to my  
18 attention that they were forming the club/  
19 branch in downtown Toronto and I related that  
20 I wasn't at all interested.

21 Q. Who was "they" who brought  
22 it to your attention?

23 A. Robert McLaughlin.

24 Q. At that time they were operating  
25 on Eglinton?

26 A. I think they had been, yes.

27 Q. Is there any other person  
28 than McLaughlin that brought it to your attention?

29 A. No, McLaughlin was the one that  
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1 I directed.

2 Q. Did you become a member when  
3 it operated downtown?

4 A. Yes, I'm pretty sure.

5 Q. Did you have a share of the  
6 operation there?

7 A. Eventually when they opened  
8 it, McLaughlin suggested that there was an  
9 interest for me and I took it.

10 Q. What year would that be,  
11 approximately?

12 A. Very vague -- I don't know what  
13 year it opened, but it would be the opening  
14 of the branch on Adelaide Street.

15 THE COMMISSIONER: And what were  
16 your interests?

17 A. Well, it varied over the years  
18 to about, I think -- I think Mr. McLaughlin  
19 suggested that I start with 15 per cent.

20 Q. You had a great interest in  
21 that later?

22 A. To a point I accepted another  
23  $7\frac{1}{2}$  per cent responsibility which I was going  
24 to give a bonus to another party if there  
25 had been any game, but there didn't turn out  
26 to be any game, so just responsible for the  
27 other  $7\frac{1}{2}$  per cent.

28 MR. WILSON: Q. Now Riggs, Johnny  
29 Riggs was an associate of yours over the years  
30







1 in these gambling enterprises?

2 A. Yes, we've been close.

3 Q. He has sworn that, at page  
4 4561, that he had a financial interest in  
5 the Jordan Club with McDermott, Feeley, McLaughlin,  
6 yourself and himself.

7 A. Yes.

8 Q. How many years did that  
9 association continue?

10 A. Well, as I say, I assumed  
11 that McDermott and Feeley could have been  
12 associated, but I had no definite knowledge of  
13 it. As it turned out, there was another chap  
14 that attended to the other portion of the  
15 percentage with McLaughlin.

16 Q. Who was the other fellow  
17 that attended to the portion?

18 A. David Downs.

19 Q. David Downs, and you assumed  
20 that David Downs was there representing McDermott  
21 and Feeley?

22 A. Well, it was my first assumption.  
23 I didn't go into it or the question, and I  
24 didn't have any reason to know otherwise.

25 Q. Did you ever question it  
26 up to the present time?

27 A. Who to?

28 Q. To anybody, meaning Riggs  
29 and his evidence; a matter of a few months ago  
30

the first of the year.

It is a very good year.

and the year is very good.

and the year is very good.

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1 he had said - that is May of this year.

2 A. Yes. He was under the  
3 impression or was that a definite answer?

4 Q. He stated definitely, and I  
5 read to you those partners.

6 A. Well, I say I would have  
7 thought so to a couple of years ago, but from  
8 what I have heard recently in the papers, that  
9 could be the other way.

10 Q. So you read the evidence of  
11 Feeley and McDermott in the paper?

12 A. Yes, naturally, and I wouldn't  
13 want to say we were partners when I have no  
14 definite knowledge that they were.

15 Q. They were around the club,  
16 the Jordan Club, regularly?

17 A. Well, I think so. I didn't  
18 frequent the Jordan Club very often - very,  
19 very rarely.

20 Q. You just had your money  
21 running for you there?

22 A. I left my investment with  
23 Robert McLaughlin and wouldn't have -- it wouldn't  
24 have mattered where I had gone, he would have  
25 looked after it.

26 Q. Well, Scottie Down - that is  
27 what his nickname was?

28 A. Yes, Scottie.

29 Q. Did he have any means of his own.  
30



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1 What was his background?

2 A. Well, I just don't know. I  
3 know of him and know him slightly.

4 Q. What did he do in the  
5 gambling fraternity over the years, to your  
6 knowledge?

7 A. I haven't too much knowledge  
8 of it until he joined this little set-up, and  
9 I think he was the sheet writer and looked  
10 after the figures, and he and McLaughlin  
11 attended to the whole 100 per cent.

12 Q. You have no knowledge of him  
13 prior to that time he became sheet writer?

14 A. I might have seen him shooting  
15 crap or at a card game.

16 Q. Now so far as that operation  
17 was concerned, did you have anything to do  
18 with the back ends that were used for the  
19 purpose of your operation?

20 A. At the Jordan Club?

21 Q. The Jordan Club.

22 A. No, sir.

23 Q. You had nothing to do with the  
24 actual management of the club?

25 A. No.

26 Q. That is the management of  
27 the gambling and gaming operation - and  
28 booking?

29 A. I had almost nothing to do  
30 with it, other than I had that little percentage





1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is divided into two main sections: the first section deals with the general situation of the country and the progress of the work during the year, and the second section deals with the specific work done during the year.

2. The second part of the report deals with the specific work done during the year. It is divided into three main sections: the first section deals with the work done in the field, the second section deals with the work done in the laboratory, and the third section deals with the work done in the office.

3. The third part of the report deals with the results of the work done during the year. It is divided into three main sections: the first section deals with the results of the field work, the second section deals with the results of the laboratory work, and the third section deals with the results of the office work.

4. The fourth part of the report deals with the conclusions drawn from the work done during the year. It is divided into three main sections: the first section deals with the conclusions drawn from the field work, the second section deals with the conclusions drawn from the laboratory work, and the third section deals with the conclusions drawn from the office work.

5. The fifth part of the report deals with the recommendations made for the future work. It is divided into three main sections: the first section deals with the recommendations made for the field work, the second section deals with the recommendations made for the laboratory work, and the third section deals with the recommendations made for the office work.



1 interest.

2 Q. To what extent were your  
3 financial investments in that club?

4 A. That would be a guess. I  
5 know we gave McLaughlin money on a couple of  
6 occasions. I think the first time it might  
7 have been \$1500, but I am not positive.

8 THE COMMISSIONER: Q. And the next  
9 time how much?

10 A. I don't recall. It wouldn't  
11 be any more. It would be in that area of  
12 a thousand dollars.

13 MR. WILSON: Q. How often did you  
14 have financial settlement among those interests?

15 A. Well, unfortunately, I mean,  
16 - you mean game?

17 Q. Yes.

18 A. Unfortunately there wasn't  
19 any - didn't prove to be a good enterprise.

20 Q. It didn't prove ---

21 A. No, sir.

22 Q. How many years were you involved  
23 in that operation?

24 THE COMMISSIONER: 1952 to when it  
25 closed.

26 MR. WILSON: No, this is the Jordan  
27 Club. From the beginning until the end?

28 A. When did it close up?

29 Q. Well, --  
30







1 A. When they convicted the charter  
2 of the club - when it was surrendered up until -- $\frac{1}{2}$

3 Q. Up until the time of the  
4 surrender of the charter?

5 A. Well, we had gradually been  
6 folding it up, but just couldn't fold it up  
7 overnight.

8 Q. Now after you folded up the  
9 Centre Road Club, you operated at Jamison  
10 Avenue and Claude Avenue in the city, didn't  
11 you?

12 A. Well, what you would call  
13 back ends, yes, or recording back ends and  
14 a little partnership.

15 THE COMMISSIONER: Q. A what?

16 A. A partnership.

17 MR. WILSON: Q. Who were in that?

18 A. Just Mr. Riggs and myself.

19 Q. When he says that you had  
20 played to the extent of, say, \$20,000 in a  
21 day, would you agree with that?

22 A. Well, it would startle me.  
23 I wouldn't have accepted it.

24 Q. There again, did you look  
25 after the books there, or keep track of what  
26 was going on?

27 A. Not -- to a point, kind of  
28 occasional periodically I would get a balance  
29 of the customers.

30 Q. Now that operation ~~was finally~~  
~~was finally~~

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1 terminated by a prosecution, wasn't it?

2 A. That's correct.

3 Q. Were you convicted in regard  
4 to that operation?

5 A. Yes, sir.

6 Q. And do you remember what year  
7 that was?

8 A. Well, we were arrested in  
9 November of '61 and convicted in June of '62.

10 Q. Then at this same time you were  
11 having this little partnership on Jameson  
12 and Claude. Did you also have an interest  
13 in the operation at 343 Frontenac Avenue in  
14 Oshawa?

15 A. Well, sir, 343 Frontenac  
16 Avenue, Oshawa, -- was never any operation there.

17 Q. What was there?

18 A. Well, it was a private  
19 apartment.

20 THE COMMISSIONER: Q. Who was it?

21 A. It was a lady resident in  
22 Oshawa.

23 MR. WILSON: Q. Well, that  
24 particular address, you say that was part of  
25 the Jameson Avenue operation -- with the  
26 343 Frontenac Avenue?

27 A. There was no connection with  
28 any kind of gambling with 343 Frontenac Avenue,  
29 other than me being there.

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1 Q. Well, were you charged in respect  
2 to any offence so far as 343 Frontenac Avenue?

3 A. Truthfully, the officers  
4 would have to tell you that. I don't know  
5 what they put - they put plural - "betting  
6 houses" - and I don't know what houses they  
7 included in there.

8 Q. Well, certain documents were  
9 seized there, including an address book which  
10 showed payoff records in the sum of \$260,000.  
11 Did you know anything about that?

12 A. That is mine, but it hasn't  
13 been explained properly. The balance sheet  
14 there as -- it hasn't set out the liabilities.  
15 The net figure - I can't understand that -  
16 it is just adding everything together in  
17 that book.

18 Q. I see. There were also  
19 other sheets there totalling the sum of \$55,283.

20 A. That applies to that, too,  
21 I would guess that there were two sides to  
22 that payoff, and the collections, and it was  
23 balanced - if it was balanced, there would be  
24 a net figure of maybe seven or eight thousand.  
25 \$57,000 is putting the two figures together.

26 Q. Well, the records also  
27 suggested that persons or places in Calgary,  
28 and Winnipeg, were also involved in the  
29 operation. Were those better or were those  
30



1. The first of these is the fact that the  
2. number of cases of this disease has  
3. been increasing steadily for some time.  
4. It is not yet known whether this is  
5. due to a change in the virus or to  
6. a change in the host. It is also  
7. not known whether the disease is  
8. contagious or whether it is  
9. caused by a parasite. It is  
10. therefore of great importance to  
11. study the disease and to find out  
12. what causes it and how it is  
13. spread. It is also important to  
14. find out whether there is any  
15. treatment for the disease and  
16. whether it can be prevented.  
17. The second of the reasons for  
18. the importance of this disease is  
19. that it is a very serious one.  
20. It can cause death and it can  
21. cause permanent disability. It  
22. is therefore of great importance  
23. to study the disease and to find  
24. out what causes it and how it  
25. is spread. It is also important  
26. to find out whether there is any  
27. treatment for the disease and  
28. whether it can be prevented.  
29. The third of the reasons for  
30. the importance of this disease is  
31. that it is a very common one.  
32. It is found in many parts of  
33. the world and it is especially  
34. common in the tropics. It is  
35. therefore of great importance to  
36. study the disease and to find  
37. out what causes it and how it  
38. is spread. It is also important  
39. to find out whether there is any  
40. treatment for the disease and  
41. whether it can be prevented.





1 part of your operation?

2 A. Part of the operation - I  
3 just tell you now that the partnership was  
4 with Riggs and myself, other than that we had  
5 no other associates, other than a worker.

6 Q. And I am checking on the  
7 sheet - there was "Cal".

8 A. And I do have a friend that  
9 done some betting, from Bay Street, and his  
10 name was Cal. There could have been somebody  
11 in Winnipeg over the years as a better.

12 Q. Well, also seized at that  
13 time were certain sheets which contained  
14 these figures, "Joe, 31, E. 13 $\frac{1}{2}$ ." Now that  
15 would be the percentage list?

16 A. I would have to see that to  
17 recognize it.

18 Q. Well, the word "Joe" - you  
19 would recognize that?

20 A. Over the years at floating  
21 games there might be 20 people there, there  
22 might be six or seven of us elected to bank  
23 the game. I made a record of the percentages  
24 just for the night, and there was a number of  
25 different "Joes" over the period.

26 Q. Well, yes, did you -- did  
27 McDermott and Feeley have anything to do with  
28 the operation of Jameson Avenue?

29 A. No, sir.  
30

1900



1 Q. What was your net worth in  
2 1961?

3 A. Around the year - '47 and '48,  
4 I had accumulated some stock ---

5 THE COMMISSIONER: Never mind about  
6 that - what was your net worth in '61?

7 A. I am just trying to guess at  
8 it ---

9 MR. ROSE: In referring to the net  
10 worth, the returns are being tendered to the  
11 Department ---

12 THE COMMISSIONER: Mr. Rose, we  
13 just want to know this man's net worth.

14 MR. ROSE: His net worth was computed  
15 for '61 ---

16 THE COMMISSIONER: Please, Mr. Rose.

17 THE WITNESS: I just didn't check --

18 THE COMMISSIONER: Just a minute,  
19 witness. You were asked a very simple question.  
20 Do you understand the question?

21 A. Yes.

22 Q. Do you understand how it was  
23 put?

24 A. Yes. But I don't know whether  
25 I could answer it accurately.

26 THE COMMISSIONER: Well, what was the  
27 question?

28 A. What my net worth was in 1956.

29 MR. WILSON: '61, I said.  
30





THE UNITED STATES OF AMERICA

1919

JOHN D. HARRIS, President

JOHN D. HARRIS, Secretary

JOHN D. HARRIS, Treasurer

JOHN D. HARRIS, Auditor

JOHN D. HARRIS, Clerk

1919

JOHN D. HARRIS, President

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JOHN D. HARRIS, Clerk

JOHN D. HARRIS, President

JOHN D. HARRIS, Secretary



1 A. '61.

2 Q. '61.

3 A. Oh, '61, I presented the  
4 Tax Department with a statement of my net worth  
5 at around \$170,000.

6 Q. So that from '47 through '61,  
7 it has gone up approximately \$100,000 as it  
8 was submitted?

9 A. Yes.

10 Q. And what was the pay - how  
11 did you get that added net worth?

12 A. I can explain that. In '47  
13 and '48, I had accumulated some stocks quite  
14 cheap, and I know the next year or so I had  
15 a profit of about \$75,000 with that, which I  
16 realized some in cash and continued trading  
17 with it, and to try to make it simple, a  
18 hundred and -- in 1953, I made roughly \$100,000  
19 on another stock - Gunner Gold.

20 Q. How did you know Papalia?

21 A. I have nodded and said "hello"  
22 but that is the extent of my knowing him.

23 Q. Well, Riggs told us in his  
24 at 4531  
25 evidence, that he knew Papalia through you and  
26 apparently you had introduced him to Papalia.

27 A. It could have been at a  
28 lunch counter - that's about the extent of  
29 my meeting him or seeing him.

30 Q. Now I take it as well that the



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1 stocks you invested in and other securities  
2 and so on ---

3 A. Yes, in a small way ---

4 Q. The Blue Water Finance?

5 A. Yes, sir.

6 Q. How much did you put into that?

7 A. \$5,000.

8 Q. Did you have any other business  
9 enterprises which you had invested in apart  
10 from stock which you say you bought?

11 A. Yes, I have personal loans  
12 out. I have a small mortgage left -- I had  
13 different mortgages over the years, but they  
14 have all been more or less discharged. I  
15 have an interest in a small truss roof prefab  
16 business. I have a small interest in a  
17 - in United Citrus Products Limited.

18 Q. Have you -- did you have  
19 anything to do with arranging any tipoff -  
20 at either Centre Road or Jordan?

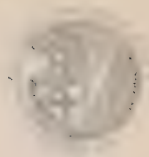
21 A. Nothing about it.

22 Q. Do you know any of the senior  
23 legal personnel in the Attorney-General's  
24 Department?

25 A. I didn't know Kelse Roberts'  
26 name until it started coming out in the paper.

27 Q. Do you know any senior  
28 police officials in the O.P.P.?

29 A. No, sir, other than those that  
30



THE UNITED STATES OF AMERICA

DEPARTMENT OF THE INTERIOR

LAND OFFICE

WASHINGTON, D. C.

1900

TO THE SECRETARY OF THE INTERIOR

FROM THE LAND OFFICE

RECEIVED

THE SECRETARY OF THE INTERIOR

WASHINGTON, D. C.

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FROM THE LAND OFFICE

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THE SECRETARY OF THE INTERIOR

WASHINGTON, D. C.

1900

TO THE SECRETARY OF THE INTERIOR

FROM THE LAND OFFICE



1 may have visited the club at Cooksville.

2 Q. Did you ever pay any money  
3 to any of the officers directly or indirectly?  
4 for any protection?

5 A. Definitely not.

6 Q. Or tipoff information?

7 A. No, sir.

8 Q. Did you ever in any way,  
9 contact any official of the Attorney-General's  
10 Department and try to ---

11 A. No, sir.

12 Q. -- persuade them to assist  
13 you in your activities?

14 A. No, sir.

15 Q. What about the Gilbert mortgage  
16 of \$67,000?

17 A. Gilbert?

18 Q. Yes, do you know about the  
19 Gilbert mortgage? Have you ever had a  
20 mortgage on the Gilbert property?

21 A. Now don't confuse me. I have  
22 a partner in the roof truss business with me -  
23 E. Gilbert - but there is no association of  
24 \$65,000 mortgage there.

25 Q. Well, did you make a loan to  
26 Gilbert for \$67,000?

27 A. No, sir.

28 Q. Did you make any loan?

29 A. Yes, sir.  
30





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1 Q. How much?

2 A. We are just trying to arrive  
3 at that now. I think it is around \$24,000  
4 or \$25,000.

5 MR. WILSON: There is just one point  
6 here, Mr. Commissioner, I want to check.

7 THE COMMISSIONER: Yes.

8 MR. WILSON: That is all, thank you.

9 THE COMMISSIONER: Mr. Lawlor?

10 MR. LAWLOR: Yes, my lord.

11  
12  
13  
14  
15 EXAMINED BY MR. LAWLOR:

16 Q. Have you frequented any other  
17 gambling clubs in the Province?

18 A. What years?

19 Q. Any time.

20 A. Well, in the 30's, yes.

21 Q. All right, in the 50's?

22 A. For instance?

23 Q. For instance, have you ever  
24 been in the Rosedale Club in Windsor?

25 A. No, sir.

26 Q. Did you know - the Roseland,  
27 I am sorry - the Roseland, did you know Mr.  
28 Curly Gardner?

29 A. May I correct that, the Roseland  
30



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1 Club in Windsor, I'm - I was thinking you  
2 meant the club in Fort Erie. I visited  
3 the Roseland Club - if it was the Roseland  
4 Club - one evening enroute to Florida about  
5 eight or nine years ago and stopped in Detroit,  
6 and Mr. Gardner took me to dinner and invited  
7 me over, and I went over one night out of  
8 curiosity.

9 Q. Now were you associated with  
10 Feeley and McDermott in the Vets Club at  
11 Cooksville - for what period of time?

12 A. As I said, I think from part  
13 of '50 up to - up to '60.

14 Q. You say that you don't know  
15 that either one of these gentlemen had an  
16 interest in the Roseland Club?

17 A. No knowledge of anything.

18 Q. They never discussed that with  
19 you at all?

20 A. No, sir.

21 Q. You do know, however, that it was  
22 the tipoff system with respect to the Vets  
23 Club in Cooksville, don't you?

24 A. I have no knowledge.

25 Q. No knowledge of that?

26 A. No, sir.

27 Q. Did you ever go into the  
28 Tisdale Club in Peterborough?

29 A. No, sir.  
30



1. The first question is: What is the purpose of the study?

2. The second question is: What are the objectives of the study?

3. The third question is: What are the research questions?

4. The fourth question is: What are the hypotheses?

5. The fifth question is: What are the variables?

6. The sixth question is: What are the methods?

7. The seventh question is: What are the results?

8. The eighth question is: What are the conclusions?

9. The ninth question is: What are the implications?

10. The tenth question is: What are the limitations?

11. The eleventh question is: What are the future directions?

12. The twelfth question is: What are the references?

13. The thirteenth question is: What are the appendices?

14. The fourteenth question is: What are the tables?

15. The fifteenth question is: What are the figures?

16. The sixteenth question is: What are the charts?

17. The seventeenth question is: What are the graphs?

18. The eighteenth question is: What are the diagrams?

19. The nineteenth question is: What are the maps?

20. The twentieth question is: What are the photos?

21. The twenty-first question is: What are the videos?

22. The twenty-second question is: What are the audios?

23. The twenty-third question is: What are the interviews?

24. The twenty-fourth question is: What are the focus groups?

25. The twenty-fifth question is: What are the surveys?

26. The twenty-sixth question is: What are the experiments?

27. The twenty-seventh question is: What are the case studies?

28. The twenty-eighth question is: What are the ethnographies?

29. The twenty-ninth question is: What are the content analyses?

30. The thirtieth question is: What are the discourse analyses?



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Q. The Downview Club?

A. No, sir.

Q. The Ramsey Club in Niagara Falls?

A. No, sir.

Q. Never been there?

A. No, sir.

Q. And did you ever hear of a club called the Finnish Club in New Toronto?

A. I have heard of it recently.

Q. Just recently?

A. Yes, sir.

He  
Q. Has never discussed the Vets

Club in Cocksville?

A. Not in front of me, no, sir.

Q. Do you know what the words "trafficking of charters" means?

A. Not too clearly, no.

Q. Do you know where the charter came from for your Jordan Club?

A. I haven't the slightest idea.

Q. Have you ever been in the Finnish Club in New Toronto?

A. No, sir.

Q. Have you ever - did you ever hear Feeley or McDermott talk about the Finnish Club in New Toronto?

A. Not in front of me, no, sir.

MR. LAWLER: Thank you very much.





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MR. WILSON: I have no questions.

MR. ROSE: I have no questions,  
thank you.

THE COMMISSIONER: Thank you, that  
is all.

---The witness withdrew.

MR. WILSON: That is all the witnesses  
I have for today, Mr. Commissioner.

THE COMMISSIONER: What time is it?

MR. WILSON: Ten after four.

THE COMMISSIONER: We will adjourn  
until Thursday morning at ten o'clock.

---Whereupon the hearing adjourned at 4:10 p.m.  
until 10:00 o'clock a.m. Thursday, October  
4th, 1962.



1. The first part of the report is a summary of the work done during the year. It is a brief statement of the results of the work, and is intended to give a general idea of the progress made.

2. The second part of the report is a detailed account of the work done during the year. It is a full and complete statement of the work, and is intended to give a detailed account of the progress made.

3. The third part of the report is a list of the publications of the year. It is a list of the papers, books, and other publications that have been published during the year.

4. The fourth part of the report is a list of the names of the persons who have been employed during the year. It is a list of the names of the persons who have been employed during the year.

5. The fifth part of the report is a list of the names of the persons who have been elected to the office of the President of the Association. It is a list of the names of the persons who have been elected to the office of the President of the Association.

6. The sixth part of the report is a list of the names of the persons who have been elected to the office of the Secretary of the Association. It is a list of the names of the persons who have been elected to the office of the Secretary of the Association.

7. The seventh part of the report is a list of the names of the persons who have been elected to the office of the Treasurer of the Association. It is a list of the names of the persons who have been elected to the office of the Treasurer of the Association.

8. The eighth part of the report is a list of the names of the persons who have been elected to the office of the President of the Association. It is a list of the names of the persons who have been elected to the office of the President of the Association.

9. The ninth part of the report is a list of the names of the persons who have been elected to the office of the Secretary of the Association. It is a list of the names of the persons who have been elected to the office of the Secretary of the Association.

10. The tenth part of the report is a list of the names of the persons who have been elected to the office of the Treasurer of the Association. It is a list of the names of the persons who have been elected to the office of the Treasurer of the Association.







VOLUME NO.

58

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

Date... 5 October 1962...

pp 11628 - 11833



Supreme Court Reporters  
145 Yonge St.  
Toronto







VOLUME 58

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Ex. No.	Page No.	Description
275.	11744	Diary of Sergeant Anderson, including notation dated July 12th, 1957
276.	11748	Report of W.B. Common, Esq., Q.C., to the Attorney General, dated 27th April, 1960
277.	11796	Undated letter from Dr. Ullman to Inspector Tomlinson



# STATE OF NEW YORK

## OFFICE OF THE COMPTROLLER

State of New York, Office of the Comptroller,  
Albany, New York, this 1st day of January,  
1901.

To the Honorable Senate and Assembly,  
Albany, New York.

I have the honor to acknowledge the receipt of  
your letter of the 27th inst., and in reply to  
inform you that the same has been forwarded  
to the proper authorities for their consideration.

Very respectfully,  
J. B. CROSSLAND,  
Comptroller.

I am, Sir, very respectfully,  
Your obedient servant,  
J. B. CROSSLAND.

Very respectfully,  
J. B. CROSSLAND,  
Comptroller.

Very respectfully,  
J. B. CROSSLAND.

Very respectfully,  
J. B. CROSSLAND,  
Comptroller.

## STATE OF NEW YORK

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THURSDAY, OCTOBER 4TH, 1962

---On resuming at 10:18 o'clock a.m.

JOHN J. WINTERMEYER, Recalled

THE COMMISSIONER: You were sworn some time ago.

THE WITNESS: That is right, sir.

EXAMINED BY MR. WILSON:

Q. Throughout these proceedings, the Liberal Party has been represented by counsel, and I take it that the counsel for the Liberal Party has brought to the attention of the Commission all evidence, or facts that have bearing on question 2.

A. That is right, Mr. Wilson.

Q. That you know of. And also, in making this speech on November 29th, 1961, I assume that you had no thought of causing distress or embarrassment to any person or persons?

A. Mr. Wilson, I not only had no thought, but I specifically said I did not intend to. I had a responsibility as Leader of



# DECLARATION

IN WITNESS WHEREOF, I have hereunto set my hand and seal at the City of New York, this 1st day of January, 1901.

## DECLARATION

THE UNDERSIGNED, JAMES J. HENRY, of the County of New York, State of New York, do hereby declare that the foregoing is a true and correct copy of the original thereof, as the same appears to me.

Notary Public

My Comm. Expires Jan. 1, 1902

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1 the Opposition. I still have that responsibility.

2 Q. Now, on page 91 of the pamphlet,  
3 Exhibit 3, there is mention of a James Ray  
4 hunting trip, and in particular the names of  
5 five Detroit men are set out: William Tocco,  
6 Anthony Tocco, Jack W. Tocco, Vincent Nelli  
7 and Dominic Corrado. And there is the  
8 statement that they were reputed leaders of  
9 the Mafia in Detroit.

10 Now, we have had no evidence to support  
11 that statement, and I ask you whether there  
12 is any further evidence on that point that is  
13 available, that has not been brought forward.

14 A. Mr. Wilson, I have no documentary  
15 evidence that I can personally bring forward.

16 I think you can consult with my counsel;  
17 with his assistance, I think there is substantive  
18 information that could be presented, to  
19 support the general observation that I made.

20 MR. MACKINNON: If I may help my friend ---

21 MR. WILSON: Now, we have been here  
22 for weeks and months, and I just want to know  
23 from this witness whether there is any further  
24 evidence that has not been brought forward  
25 on that point.

26 THE WITNESS: There has been no evidence ---

27 THE COMMISSIONER: Just a moment.

28 MR. MACKINNON: Thank you, Mr. Commissioner.

29 I am counsel, and I trust that I am  
30





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1 handling this to the best of my ability, to  
2 assist Mr. Wilson and you, sir. But on that  
3 particular point we do have - and of course  
4 this is something that is familiar; some of it  
5 is familiar to all of us - a chart showing  
6 the Mafia inter-relationship covering the  
7 Appalachian Conference. I know you, sir, are  
8 familiar with that. That is from police sources,  
9 which show these people as members of this  
10 syndicate; and for example, I have a copy ---

11 THE COMMISSIONER: That has not been  
12 introduced yet?

13 MR. MACKINNON: No. But if my friend  
14 is asking for further information, this is  
15 just a chart from the Toronto Telegram of  
16 April 24th, 1961, showing the Mafia syndicate  
17 relationship study, compiled by police officials  
18 in the United States, and I think you will see  
19 that I have circled in ink these particular  
20 people who were on this trip to Neosho, and  
21 they are shown.

22 THE COMMISSIONER: I suppose in due course  
23 you will be introducing that as evidence?

24 THE WITNESS: We would be glad to.

25 MR. MACKINNON: If necessary. But  
26 of course I am not conducting the Commission;  
27 I am not Commission counsel, and I do not have  
28 any staff for this purpose. But I am quite  
29 prepared, as I have been throughout; and I have  
30







1 given my information to Mr. Wilson. If he  
2 can follow this through - presumably a  
3 telephone call to the Telegram would let him  
4 know what police officials they got this from;  
5 and it would presumably follow. But I do not  
6 propose of course to conduct the investigation  
7 on the part of the Commission. My duties  
8 here are to assist you in every way possible,  
9 particularly in the examination of witnesses;  
10 and where information has come to me, and a  
11 lot anonymously, I have passed it on, some  
12 of it quite useful, some of it quite useless.

13 THE COMMISSIONER: Yes. We will be  
14 hearing something about that later on, I would  
15 assume?

16 MR. MACKINNON: I would hope so, from  
17 Mr. Wilson.

18 MR. WILSON: I assure you, Mr. Commissioner,  
19 we have made every effort to try to support  
20 that statement, and have not been able to  
21 turn up any evidence.

22 THE COMMISSIONER: It is suggested now  
23 that there is some?

24 MR. WILSON: Again, in due course there  
25 will be some proper evidence advanced on that  
26 point.

27 Q. Now, at page 104 ---

28 THE COMMISSIONER: What page, now?

29 MR. WILSON: I wonder if the witness could  
30

[illegible]





1 have a copy?

2 THE COMMISSIONER: What page, I am sorry?  
3 What page of the speech is that reference to  
4 the James Bay hunting trip? Let me see  
5 Exhibit 3.

6 MR. WILSON: 91, Mr. Commissioner.

7 THE COMMISSIONER: Thank you.

8 MR. WILSON: Q. Now, on page 104 of  
9 the speech there are, on the left hand column -  
10 there is reference to certain telephone calls  
11 from Feeley. It starts with the paragraph:

12 " Deputy Chief Shrubbs was a  
13 "witness at the trial of Feeley,  
14 "McDermott and Wright. He testified  
15 "as to phone calls he received from  
16 "Feeley, . . ."

17 and so on.

18 Now, down at the bottom of that column  
19 there is reference to alleged telephone calls  
20 to the home telephone number of, among others,  
21 Mike Tartaglia.

22 Is it not a fact, when Mike Tartalia,  
23 as he has told us in his evidence, read off  
24 your speech, he contacted you, and said that  
25 you apologized for an error in respect of  
26 the statement, that he was receiving calls from  
27 Feeley?

28 A. Mr. Wilson, may I take a moment  
29 to make this answer?  
30







1 Q. Sure.

2 A. The observation that you made is  
3 not quite correct. My understanding is that  
4 evidence has been demonstrated in these  
5 hearings, Mr. Commissioner, that establishes  
6 that the statement that Mr. Wilson has made  
7 reference to immediately before is not technically  
8 correct.

9 I believe it is the only error in the  
10 whole speech that I know of.

11 My understanding is that evidence was  
12 given before you, Mr. Commissioner, to the  
13 effect that these several telephone calls  
14 listed in the second-last paragraph of page 104,  
15 to which Mr. Wilson has made reference, were  
16 in fact made from the home telephone number  
17 of the former Member of the Legislature,  
18 to these several people, and were not made from  
19 the Feeley number.

20 Now, in speaking of Mr. Tartaglia: Mr.  
21 Wilson, it is true that Mr. Tartaglia visited  
22 my office immediately after, or very shortly  
23 after the 29th day of November. At that  
24 time I did not know whether the statement -  
25 I did not know that the statement was, as I  
26 now know, incorrect.

27 I told Mr. Tartaglia the same as I  
28 have told you: That it was not my intention  
29 to hurt anyone; and I told Mr. Tartaglia to  
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1 exercise his God-given right to get up and  
2 demonstrate that the statement was not correct.

3 I did not take the position before Mr.  
4 Tartaglia that the statement was correct or  
5 incorrect. I told him that I had a responsibility,  
6 as Leader of the Opposition, to bring this  
7 matter to public attention, and that in all  
8 conscience I did the best job I possibly could;  
9 and that I did. And I told Mr. Tartaglia  
10 that if I had caused any harm, or any  
11 inconvenience, I certainly apologized, and  
12 I feel that way today.

13 Q. Make it that practically the  
14 same thing is true about the other ---

15 A. I would think so.

16 Q. Just a moment.

17 A. All three.

18 Q. Mr. Houck?

19 A. That is right, I would think so.

20 And, as a matter of fact, my recollection is  
21 that when Mr. Houck wrote to me over the same -  
22 at least, his daughter wrote to me, I  
23 expressed myself in the same vein.

24 Q. But you, based on the information  
25 someone gave you, in fact made the statement ---

26 A. That is right. When I made  
27 the statement, I believed it to be true.

28 Q. Did you take any steps to check  
29 the accuracy of the statement?  
30







1           A.       Now, Mr. Wilson, I took extra-  
2 ordinary steps. I think that in all probability,  
3 that that will be one of the very few instances  
4 that you can demonstrate when I was technically  
5 incorrect in my speech, that that will indicate  
6 that some thought, preparation and consideration  
7 was given to this.

8           Q.       Now, there is another matter in  
9 the speech that I want to draw your attention  
10 to, and that is page 103; the paragraph after  
11 dealing with Dewsbury's ointment; there is  
12 a paragraph that ---

13           THE COMMISSIONER: I am sorry, I have  
14 not got it.

15           MR. WILSON: Page 103; the second half  
16 of the right hand column.

17           THE COMMISSIONER: Starting with "Perhaps"?

18           THE WITNESS: Yes.

19           MR. WILSON: Q. (Reads):

20           "       Perhaps the Honourable  
21 "Attorney-General would be good  
22 "enough to tell the House, Mr.  
23 "Speaker, what the gamblers and  
24 "their friend Mr. Cronin were doing  
25 "with a licence to manufacture a  
26 "drug preparation which cannot be  
27 "found in the marketplace. Or is  
28 "this another matter which would  
29 "not be pursued, because of the  
30







1 "untimely termination of Constable

2 "Scott's investigation?"

3 A. Yes.

4 Q. What is your opinion there as  
5 to the jurisdiction the Provincial authority  
6 has, in matters of patent medicines, such as  
7 the Dewsbury's ointment?

8 A. Well, I presume that you are  
9 suggesting that this matter is of Federal  
10 jurisdiction; is that it?

11 Q. I would think so.

12 A. I would think that you are right  
13 in that respect.

14 The observation I was making, of course,  
15 was that it does seem extraordinary that Mr.  
16 Cronin, who was a former G.P.F. officer,  
17 should subsequently be associated in partner-  
18 ship with McDermott and Feeley; and I think  
19 I was giving expression to that thought.

20 Q. Yes. I think you will agree  
21 with me that this falls in the ---

22 A. Technically.

23 Q. -- under the Federal authorities.

24 MR. ESTEV: That very question has  
25 gone before the Supreme Court of Ontario;  
26 this minute the very question as to what is  
27 the area of control, properly attributable  
28 under the C.M.A. Act, to the Province, and  
29 what is the proper area of control under the  
30 Federal Government, is being argued. The

[illegible]





1 Pharmacy Act of Ontario is in issue; and the  
2 Food and Drug Act of Canada.

3 I suggest that my friend should not  
4 ask Mr. Wintermeyer to guess what the Supreme  
5 Court of Ontario is going to say.

6 THE COMMISSIONER: It does not make  
7 very much difference, so far as I am concerned,  
8 whether it is Federal or Provincial.

9 MR. ESTEY: No.

10 MR. WILSON: Q. On page 88 ---

11 A. I beg your pardon?

12 Q. On page 88 of the speech, on  
13 the right hand column, the paragraph starting,  
14 "I propose to ask and to answer five questions.. ."

15 Now, the third question reads:

16 "What evidence is there that  
17 "professional gamblers have had,  
18 "and may still have protection from  
19 "police and public authorities?"

20 THE COMMISSIONER: Just a moment. I  
21 have not got that, Mr. Wilson. Page 88?

22 MR. WILSON: Page 88, the right hand  
23 column. The first paragraph starting on  
24 that column, "I propose to ask . . .".

25 THE COMMISSIONER: "five questions".  
26 Yes.

27 MR. WILSON: I read the third one; they  
28 are not numbered.

29 THE COMMISSIONER: Just a moment, till  
30 I get to the third one.







1 MR. WILSON: (Reads):

2 " What evidence is there  
3 "that professional gamblers have  
4 "had and may still have protection  
5 "from police and public authorities?"

6 Now, it is quite easy to understand what  
7 is meant by "protection from police" and we  
8 have had evidence directed to that point;  
9 and then you come to another category, "public  
10 authorities".

11 Now, who would be embraced by "public  
12 authorities"?

13 A. Well, Mr. Wilson, the paragraph  
14 to which you have made reference is of course  
15 the broad outline of the whole speech; the  
16 said five questions that I have outlined there  
17 forms the basis of the subsequent speech.

18 They are the directives, at the very  
19 outset of the speech.

20 Now, specifically you say, what are  
21 the public authorities, or who are the public  
22 authorities to whom I made reference?

23 They, of course, are subsequently listed  
24 in the speech.

25 Q. Then, let us go to page 101,  
26 on the left hand column, the third paragraph  
27 on that page.

28 " I come now, Mr. Speaker, to  
29 "my third question."

30 A. Yes? (Looking at document)







1 Q. (Reads):

2 "What evidence is there that  
3 "professional gambling has had and  
4 "still has protection from the police,  
5 "and law enforcement agencies?"

6 Now, I take it that you are using the  
7 words "law enforcement agencies" there as  
8 synonymous with the words "public authorities"  
9 which you used at page 88?

10 A. I would think so.

11 Q. There follows, in the transcript,  
12 some pages; and putting aside the question of  
13 any protection from the police, I want to know  
14 whether I am right in saying that there are  
15 only three instances where public authorities  
16 are mentioned: The first that I find, and  
17 correct me if I am wrong, is on page 102,  
18 the first paragraph, commencing on the left  
19 hand column.

20 A. (Looking at document)

21 Q. Starting with the sentence,  
22 "There has been evidence . . ."

23 and:

24 "There has been evidence that  
25 <sup>Don</sup> "John Scott and an unidentified  
26 "Member of Parliament in the  
27 "Niagara Peninsula received some  
28 "money to take the pressure off  
29 "the club in Niagara Falls and  
30 "the Niagara Falls area."



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Now, I think that is a reference to ---

A. That is right.

Q. To a law-enforcement agency?

A. Yes.

Q. And why did you use that term?

Now, you have followed the hearings here,  
and the evidence given at this hearing? Do  
you know of any further evidence to support  
the allegations made against Scott?

A. MR. Wilson, I do not. I think that  
you know, better than I, that the reference  
to which I made - the reference I had in mind,  
of course, was the evidence given in court.

(Page 11641 follows)



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1 MR. WILSON: Q. Yes?

2 A. I think that in one of the several  
3 references that preceded the 29th day of  
4 November this very evidence was given. I was  
5 alluding to it.

6 MR. MACKINNON: You so state in your  
7 speech.

8 THE WITNESS: That is right.

9 MR. WILSON: Q. Did you before making  
10 this statement about a public official in  
11 your speech make any check to try and  
12 determine whether there was any truth in  
13 the allegation?

14 A. I think we made all reasonable  
15 search, Mr. Wilson. A terrific amount of  
16 effort and preparation went into this  
17 speech.

18 Q. Well ---

19 A. And if you are asking me specifically  
20 did I speak to Mr. Scott, I did not.

21 Q. No, but apart from some reference  
22 in what is known as the Scott diary, do you  
23 know of any other evidence or fact?

24 A. No. I think, Mr. Wilson, that  
25 I specifically said that what information I  
26 had I outlined in the speech. I have no  
27 additional information except what has been  
28 given to my counsel. I consider it to be  
29 the responsibility of yourself now to  
30 proceed from the point.







THE COMMISSIONER:

Q. Where you left off?

A. Exactly, Mr. Commissioner, if I may put it that way.

MR. WILSON: Q. At page 102 I think we come to the next reference. On that same page we come to the next reference to a public authority on the right hand column, the second last paragraph. We are talking about protection in this particular part of your speech:

"Mr. Speaker, why were these  
"entries in Constable Scott's diary  
"not introduced in evidence?"

THE COMMISSIONER: Wait a minute, I haven't found that page. Page 103?

MR. WILSON: Page 102, two-thirds of the way down, starting with:

"Mr. Speaker, why were these  
"entries in Constable Scott's diary  
"not introduced in evidence? No doubt  
"the hon. Attorney-General may say it  
"was all hearsay evidence, but not the  
"sort of thing to be read in court  
"without the support of other evidence.  
"When then, Mr. Speaker, were many  
"of the matters which I have given  
"to this House read into evidence?  
"Most of them, the reference to  
"Lawrence, to Lamorie, to Cronin, to  
"Bartlett, and so on, were on the same



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1 "legal footing as the references which  
2 "were not disclosed. The references  
3 "to Stringer and to Wright were  
4 "substantiated by other evidence  
5 "but the remainder were not. Why then  
6 "were some put in and others not?

7 "I suggest the answer is very  
8 "clear. Constable Scott's investigation  
9 "lasted nearly four months, from  
10 "February to May of 1960, his purpose  
11 "was to ingratiate himself with the  
12 "gamblers, gain their confidence and  
13 "to eventually deal with them on a  
14 "face-to-face basis, so that  
15 "incontrovertible evidence could be  
16 "secured. The provincial police  
17 "no doubt set great store by this  
18 "investigation. Here were big-time  
19 "gamblers who had evaded conviction  
20 "for years; finally the police had  
21 "succeeded in planting an under-  
22 "cover agent in their midst.

23 "The information Constable  
24 "Scott gathered during those four  
25 "months was undoubtedly valuable  
26 "but obviously the police felt he  
27 "had by no means exhausted all the  
28 "possibilities especially the  
29 "possibility of face-to-face contact  
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1 "with the gamblers. Mr. Speaker, there  
2 "has been absolutely no suggestion that  
3 "Constable Scott's true purpose was  
4 "discovered by the gamblers. That  
5 "being the case, and recognizing that  
6 "the police themselves would want the  
7 "investigation to continue, what  
8 ""conclusion is possible but that it  
9 ""was stopped on the orders of the hon.  
10 ""Attorney-General?"

11 Now, before making that statement, did  
12 you make any check on the circumstances  
13 leading up to the termination of the  
14 investigation?

15 A. Well, Mr. Wilson, with your  
16 permission may I ask the indulgence of Mr.  
17 Commissioner for a moment? I think that  
18 very substantive justification was at hand  
19 for making this particular statement. I  
20 must say that reading the whole speech I  
21 think it is a rhetorical question to ask.  
22 I want to assure you, Mr. Commission<sup>er</sup>, that  
23 there was substantive justification for it.  
24 The point that I now want to allude to,  
25 Mr. Commissioner, is simply this, that I  
26 feel as a matter of honour and conscience,  
27 Mr. Commissioner, that I should not divulge  
28 the specific persons who provided me with  
29 information. I think, on reading this speech,  
30



[illegible]



1 the sources are implicit -- yes, explicit --  
2 right in the speech. I think it is demonstrated  
3 time and again where the information comes  
4 from. I think the purpose of this Commission  
5 is to determine the accuracy of the statement  
6 and not the sources. Now, I realize Mr.  
7 Wilson is not specifically at this moment  
8 asking about sources.

9 MR. WILSON: I will be coming to it.

10 THE WITNESS: Mr. Commissioner, it does  
11 seem to me that at an early time I should  
12 advise you that as a matter of conscience and  
13 honour I feel that the leader of the  
14 Opposition, by his office and by virtue of  
15 his position, is necessarily the spokesman  
16 of discontent. That is his historical  
17 position. I have vacated every single  
18 protection that I have and I want to do that  
19 as a result ---

20 THE COMMISSIONER: Q. You have what?

21 A. I have vacated every civil  
22 protection that might normally be afforded  
23 to me as a Member of the Legislature or as  
24 leader of the Opposition, but it does seem  
25 to me there is a responsibility incumbent  
26 on me to protect the integrity of the  
27 Legislature and of this historical position,  
28 and I do not think that I should divulge  
29 the actual names of the persons who supplied  
30







1 me with information that founded some of the  
2 statements.

3 Q. You haven't been asked to.

4 A. Exactly, Mr. Commissioner, but now  
5 I might say this, Mr. Commissioner, Mr.  
6 Wilson is now asking me about the investigation  
7 that I conducted with respect to this  
8 particular paragraph and it occurred to me  
9 that I should make and should advise you of  
10 that thought before this specific question  
11 was asked or directed to me; to ask the  
12 exact names of the persons that supply me  
13 with information. I feel, Mr. Commissioner,  
14 that an examination of the speech would  
15 demonstrate that that particular question  
16 asked in the paragraph to which Mr. Wilson  
17 has made reference is a rhetorical question  
18 as a result of the information that is  
19 presented in the speech itself.

20 Q. Just a moment. It is a rhetorical  
21 question.

22 A. Exactly, if you want to interpret  
23 it in that fashion.

24 Q. You say, "what conclusion"?

25 A. That is right.

26 THE COMMISSIONER: Just listen to me for  
27 a moment. You are all excited.

28 MR. WILSON: I am not excited.

29 THE COMMISSIONER: Q. "What conclusion is  
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1 possible but that it was stopped on the orders  
2 of the hon. Attorney-General?" I suggest to  
3 the witness that is a rhetorical question and  
4 I think he agrees?

5 A. I do.

6 Q. Now, you haven't yet been asked  
7 but you anticipate it?

8 A. I anticipate it, Mr. Commissioner.

9 THE COMMISSIONER: You haven't been asked  
10 the source of any information. I don't know  
11 whether Mr. Wilson proposes to ask you the  
12 source of the information but we will cross  
13 that bridge if and when he does.

14 MR. WILSON: Now, in the paragraph  
15 immediately prior to the one I just read,  
16 there is this statement:

17 "An entry concerning a meeting  
18 "of Scott, Wright and Laurence on  
19 "May 17, 1961, reported that Laurence  
20 "said senior official of the hon.  
21 "Attorney-General's Department was  
22 "receiving \$800 a month from the  
23 "gamblers."

24 I take it that you gave great, grave con-  
25 sideration to casting aspersions on a senior  
26 official in the Attorney-General's Department  
27 before you included that in your speech?

28 A. I certainly did, Mr. Wilson.

29 May I ask you specifically where is that?  
30



[illegible]



1 Q. Well, it is just immediately prior  
2 to the paragraph I read to you.

3 THE COMMISSIONER: Q. It is the right  
4 hand column.

5 A. Oh, yes.

6 MR. WILSON: Q. Now, in the way that that  
7 reads, when we read that with the paragraphs  
8 that follow leading up to, "... what  
9 conclusion is possible but that it was  
10 stopped on the orders of the hon. Attorney-  
11 General?", is the suggestion to be taken  
12 there, or the inference to be drawn, that  
13 because there was some such statement about  
14 a senior official of the Attorney-General's  
15 Department that this investigation by Scott  
16 was terminated?

17 A. Mr. Wilson, my understanding is  
18 that that particular reference is one of a  
19 series and simply identifies in detail the  
20 Scott diary. What I had in mind was to  
21 demonstrate that the Scott diary did include,  
22 and specifically included, certain statements.  
23 I want you to know that I gave grave  
24 consideration to this matter. I don't  
25 think anything ever caused me so much soul  
26 searching as that particular matter because  
27 I, too, am very cognizant of the great  
28 service of our public officials. Ifelt,  
29 however, that this was a matter to be  
30

[illegible]





1 brought to public attention. You will note that  
2 I did not allege that \$800 was paid to any senior  
3 members of the Attorney-General's Department.  
4 I simply allege that such a statement was  
5 included in the Scott diary. Now, I feel  
6 again, as I said before, that I had a  
7 responsibility to make that information  
8 public. I did so. I think now it is the  
9 determination for yourself to ascertain  
10 whether or not that is in fact true. I can  
11 tell you that I have no further information  
12 to add.

13 Q. You have no what?

14 A. I have no further information in  
15 respect to that particular matter.

16 Q. Well, I direct you to my original  
17 question, and that was the way it appeared  
18 in the context. I was asking you whether  
19 or not the information to be drawn from  
20 this portion of the speech is that the  
21 investigation was terminated because of a  
22 reference to a senior official of the  
23 Attorney-General's Department.

24 A. Well, I think that inference  
25 certainly can be drawn, Mr. Wilson. I think  
26 I specifically said in this portion of the  
27 speech that certain entries of the Scott  
28 diary were put in evidence and others  
29 were not, and I asked what I believe is, an  
30



The first of these is the fact that the  
 government has been unable to raise the  
 necessary funds to meet its obligations.  
 This is due to a number of factors,  
 including the fact that the government  
 has been unable to raise the necessary  
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 factors, including the fact that the  
 government has been unable to raise the  
 necessary funds to meet its obligations.





1 I said a little while back, a basically rhetorical  
2 question, "Why was this terminated?"

3 Q. Well, we have had in evidence here  
4 that the particular reference that I have just  
5 read about the senior official which does  
6 appear in the Scott report was not brought  
7 to the attention of either the Deputy Attorney-  
8 General or the Attorney-General until after  
9 a decision had been made to prosecute Wright.  
10 And did you know those facts when you made  
11 this speech?

12 A. No. Mr. Commissioner, what  
13 information has been brought forth here in  
14 this hearing would be in addition to any  
15 information I had. The information I had  
16 was the Scott diary and the entries.

17 Q. Did you have anything else but  
18 the Scott diary on that point?

19 A. Well, Mr. ---

20 THE COMMISSIONER: I think he said not.

21 MR. WILSON: That he had nothing?

22 THE WITNESS: Oh, no.

23 THE COMMISSIONER: Let's see, what  
24 point are you making? The \$800 a month?

25 MR. WILSON: That is right.

26 THE COMMISSIONER: He said he had no  
27 further information.

28 THE WITNESS: That is right, Mr.  
29 Commissioner. In respect to that I do not.







1 MR. WILSON: Q. Well, now, on page 103  
2 on the left hand column, about half way down  
3 the page, it starts:

4 "Mr. Wintermeyer: Mr. Speaker, I have  
5 "taken great precautions . . . "

6 THE COMMISSIONER: Just a moment. I  
7 haven't found that. Page 103?

8 MR. WILSON: The left hand column.

9 THE COMMISSIONER: The left hand column?

10 MR. WILSON: That is right.

11 THE COMMISSIONER: Yes.

12 MR. WILSON: "Mr. Wintermeyer: Mr.

13 "Speaker, I have taken great precautions,

14 "I am much concerned about this matter.

15 "I will give the hon. Attorney-General

16 "every opportunity. All I ask is

17 "that he give the public of the

18 "province the opportunity of an

19 "impartial investigation."

20 Now, tell me what precautions you did take  
21 before you included a statement about a senior  
22 official in the Attorney-General's Department  
23 having been in receipt of \$600 a month from  
24 gamblers?

25 MR. MacKINNON: With respect ---

26 THE COMMISSIONER: Just a moment. That  
27 is not quite right. He doesn't say that a  
28 senior official in the Attorney-General's  
29 Department was receiving \$600 a month. He  
30



1 Mr. Wilson: It was, was it not, on the 1st  
2 of the year 1900, that you were  
3 present at the meeting of the  
4 National Association of Manufacturers, I think  
5 it was, was it not, at the  
6 Hotel Hamilton, New York City, I think  
7 it was, was it not, at the  
8 Hotel Hamilton, New York City, I think  
9 it was, was it not, at the  
10 Hotel Hamilton, New York City, I think  
11 it was, was it not, at the  
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17 it was, was it not, at the  
18 Hotel Hamilton, New York City, I think  
19 it was, was it not, at the  
20 Hotel Hamilton, New York City, I think





1 said an entry in the Scott diary said that.

2 THE WITNESS: Very much so. This is  
3 essential, Mr. Wilson.

4 MR. WILSON: Q. Quite. I don't want to  
5 in any way distort the picture but before you  
6 included that entry in your speech, what  
7 precautions did you take when you say you  
8 did take great precautions? What were they?

9 MR. MACKINNON: May I interject, Mr.  
10 Commissioner? What possible relevance has  
11 that got to this Commission except a  
12 political hatchet job, if anything else?  
13 What possible relevance ---

14 THE COMMISSIONER: I don't want any  
15 political sword dancing here, either from you  
16 or Mr. Wilson.

17 MR. MACKINNON: That is precisely what  
18 I am asking not be done.

19 THE COMMISSIONER: As far as I am  
20 concerned there shall be none. I want the  
21 facts. If this witness has any information  
22 he can supplement, I want to know what  
23 it is. This is neither the time nor the  
24 place for political propaganda.

25 MR. MACKINNON: Thank you, Mr.  
26 Commissioner. That is just my point.

27 THE COMMISSIONER: All right. Now, I  
28 have told you what I think.

29 MR. MACKINNON: I am just asking for a  
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1 ruling on this particular question because it can  
2 have no relevance on any question or issue to  
3 assist you in any way.

4 MR. WILSON: Well, Mr. Commissioner, is  
5 the witness to answer the question?

6 THE COMMISSIONER: Will you repeat it?

7 MR. WILSON: I asked him what great  
8 precaution he took before he included this  
9 entry about an official, a senior official  
10 in the Attorney-General's Department.

11 THE COMMISSIONER: All right.

12 Q. Will you answer it?

13 A. Yes, Mr. Commissioner. Mr.  
14 Commissioner, I must ask your indulgence for  
15 just a moment to give you a little of the  
16 background. The fact, Mr. Commissioner,  
17 is that this speech was made on the 29th day  
18 of November of 1961. The preparation of  
19 this speech and the accumulation of information  
20 extended over approximately six months. I  
21 believe basically May of '61, the spring of '61,  
22 is when the matter of public concern came  
23 dramatically to public attention. You will  
24 recall, Mr. Commissioner, the Blustein beating.  
25 You will probably, Mr. Commissioner, recall  
26 that subsequently there were many, many  
27 instances which attracted public attention  
28 relating to alleged organized crime. Many  
29 people came in to see me, many people brought  
30







1 information. Now, as a result of everything  
2 that was presented to me, Mr. Commissioner,  
3 I felt an obligation to make the Scott diary  
4 public information and I feel that I was  
5 justified in doing so. I acknowledge that  
6 I did not specifically talk to senior  
7 officials of the Attorney-General's Department  
8 before doing so. In fairness, I think that  
9 those officials, if given an opportunity,  
10 would have given me an opportunity to discuss  
11 this matter. On the other hand, I felt at  
12 that juncture that I had accumulated enough  
13 information and that enough honest, conscientious  
14 concern had been expressed to me to publicly  
15 identify the Scott diary. That I did, Mr.  
16 Commissioner, and you will note that the  
17 speech does not allege anything more than  
18 an allegation that the Scott diary included  
19 certain specific entries relating to the  
20 senior officials.

21 MR. WILSON: Q. Well, you will agree  
22 with me a statement of that kind would place  
23 the Attorney-General's Department under a  
24 cloud until ---

25 A. Until an investigation was made,  
26 of course.

27 Q. Yes. Now, on the next page I  
28 think we have a reference to another public  
29 official or a member of the enforcement agency.  
30







1 104, the left hand column, the third paragraph  
2 from the bottom, starting with the word  
3 "Peterborough", and I read the last sentence  
4 in that paragraph:

5 "Calls to the home telephone number  
6 "of a senior official of the Ontario  
7 "Attorney-General's department,  
8 "whose name was also noted."

9 What precautions did you take before including  
10 that statement in your speech?

11 A. Mr. Commissioner, the same answer  
12 that I made is applicable here. Now, my  
13 recollection is that this is not in reference  
14 to the Scott diary but in fact to a statement  
15 by Mr. Shrubb. My recollection is that Mr.  
16 Shrubb, in evidence before this Commission,  
17 gave the same evidence so I presume you are not  
18 disputing the accuracy now of the statement.

19 Q. Oh, no, I am not.

20 A. And as far as the investigation  
21 that I made, it is of the same nature that I  
22 alluded to in conjunction with the other  
23 statement.

24 Q. There, again, I take it you didn't  
25 see fit to speak to the particular individual?

26 A. No, I did not. I must acknowledge  
27 that and, Mr. Commissioner, I want there to be  
28 no misgivings about this matter. At one  
29 stage in this preparation I had to make the  
30



1945-1946 11-12-46 11-12-46 11-12-46

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.





1       determination, is it wise to speak to those people  
2       to whom reference was made or not?   Now, I  
3       have said that this was not a spur of the moment  
4       thing, I wasn't handed a speech and read it  
5       or anything of that sort.   This was a long  
6       series of preparations and I at one juncture  
7       made the determination that my duty required  
8       me to make the speech and that I might  
9       prejudice my position by specifically talking  
10      to any persons who were referred to in the  
11      Attorney-General's Department.   I assume  
12      that responsibility, Mr. Wilson.   That I did.

13           Q.     Now, I think the final reference  
14      you make to any public authority under this  
15      Question 3 appears at page 105 on the left  
16      hand column.   It reads:

17                   "Now, Mr. Speaker, the provincial  
18                   "police did raid the Centre Road  
19                   "veterans club at Cooksville on  
20                   "November 24, 1954, and seven of the  
21                   "34 found-ins were held overnight  
22                   "at Brampton and brought under oath  
23                   "and in camera the next morning by  
24                   "Crown Attorney Davis before  
25                   "Magistrate Blain.   Legal counsel  
26                   "for the club was present and allowed  
27                   "to cross-examine.   During these  
28                   "proceedings, Mr. Speaker, Mr. Davis  
29                   "received a message to call the hon.  
30







1 "Attorney-General's office. He did

2 "so and was instructed to --- "

3 And then there was an interruption. I don't

4 think there is any purpose in reading that.

5 The last paragraph in this column:

6 "Mr. Wintermeyer: --- "

7 Is there a correction on that? We have the

8 correction.

9  
10  
11 (Page 11675 follows)



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1 MR. MACKINNON: My lord -- I think,  
2 Mr. Commissioner, you have the correction.

3 THE COMMISSIONER: Yes, I have. Have  
4 you the correction there?

5 MR. WILSON: Yes, I have, Mr. Commissioner.

6 THE COMMISSIONER: I don't know whether  
7 the witness has or not. If you would just  
8 look at that.

9 MR. WILSON: The concluding words I  
10 read: "He did so and was instructed to",  
11 should read, "He did so and was instructed  
12 to discontinue the <sup>investig</sup>ation immediately."

13 Q. Now there, I take it, that you  
14 had a source for that information?

15 THE COMMISSIONER: He states the source.

16 MR. WILSON: No, I don't think he  
17 states the source there, Mr. Commissioner.

18 THE COMMISSIONER: I thought he did.

19 MR. WILSON: No. I think I have  
20 covered ---

21 Q. Before we leave that reference  
22 to a public authority, what precaution did you  
23 take there before you made the statement in  
24 effect that the Department of the Attorney-  
25 General ---

26 A. This ---

27 THE COMMISSIONER: Just a moment. Let  
28 him finish the question.

29 THE WITNESS: I am sorry.  
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1. The first part of the report is devoted to a general survey of the situation in the country.

2. The second part is devoted to a detailed examination of the various branches of industry.

3. The third part is devoted to a detailed examination of the various branches of agriculture.

4. The fourth part is devoted to a detailed examination of the various branches of commerce.

5. The fifth part is devoted to a detailed examination of the various branches of education.

6. The sixth part is devoted to a detailed examination of the various branches of science.

7. The seventh part is devoted to a detailed examination of the various branches of art.

8. The eighth part is devoted to a detailed examination of the various branches of literature.

9. The ninth part is devoted to a detailed examination of the various branches of history.

10. The tenth part is devoted to a detailed examination of the various branches of geography.

11. The eleventh part is devoted to a detailed examination of the various branches of politics.

12. The twelfth part is devoted to a detailed examination of the various branches of law.

13. The thirteenth part is devoted to a detailed examination of the various branches of medicine.

14. The fourteenth part is devoted to a detailed examination of the various branches of engineering.

15. The fifteenth part is devoted to a detailed examination of the various branches of architecture.

16. The sixteenth part is devoted to a detailed examination of the various branches of music.

17. The seventeenth part is devoted to a detailed examination of the various branches of painting.

18. The eighteenth part is devoted to a detailed examination of the various branches of sculpture.

19. The nineteenth part is devoted to a detailed examination of the various branches of literature.

20. The twentieth part is devoted to a detailed examination of the various branches of history.

21. The twenty-first part is devoted to a detailed examination of the various branches of geography.

22. The twenty-second part is devoted to a detailed examination of the various branches of politics.

23. The twenty-third part is devoted to a detailed examination of the various branches of law.

24. The twenty-fourth part is devoted to a detailed examination of the various branches of medicine.

25. The twenty-fifth part is devoted to a detailed examination of the various branches of engineering.

26. The twenty-sixth part is devoted to a detailed examination of the various branches of architecture.

27. The twenty-seventh part is devoted to a detailed examination of the various branches of music.

28. The twenty-eighth part is devoted to a detailed examination of the various branches of painting.

29. The twenty-ninth part is devoted to a detailed examination of the various branches of sculpture.

30. The thirtieth part is devoted to a detailed examination of the various branches of literature.





1 MR. WILSON: Q. The Department of the  
2 Attorney-General had terminated the investigation.

3 A. Mr. Wilson ---

4 THE COMMISSIONER: You are asking what  
5 precautions he took?

6 MR. WILSON: Yes.

7 THE WITNESS: The same type of precaution,  
8 Mr. Wilson, that I referred to heretofore.  
9 Mr. Commissioner, I want to be as helpful as  
10 possible, and if it be of any help to you, it  
11 is my recollection and understanding that an  
12 examination of the police records would  
13 indicate that this particular statement is  
14 included in the police records. Now, I think  
15 that certainly justifies, again, the public  
16 revelation that there may -- that ~~there~~ demands  
17 that this matter be made public. I am not  
18 alleging that in fact such was the case, but  
19 I do say I took, firstly, great precaution;  
20 and secondly, if you want to know, the  
21 information, actually from my recollection,  
22 does come from police records.

23 MR. MACKINNON: I think I should point  
24 out, Mr. Commissioner, Sergeant Anderson and  
25 Corporal Shrubbs both swore ---

26 MR. WILSON: We are not arguing that.

27 THE COMMISSIONER: We are aware of that.

28 MR. WILSON: I think I have covered  
29 all the references under your question 3 that  
30 you propounded and answered that deal in any







1 way with public authorities.

2 You made it clear in this speech, you  
3 were not making charges against anybody, but  
4 we have read the speech and there are inferences  
5 in the speech, of course, directed to individuals.  
6 Do you agree with that?

7 A. Mr. Wilson, I simply tell you  
8 this, and you may interpret, as a re-statement  
9 of what I have already said, but I considered  
10 it my responsibility to make the information  
11 outlined in this speech public. I realized  
12 of course that it would cause some people to  
13 be put under a cloud, as you have said, until  
14 such time as a public investigation was conducted.  
15 I feel now as I felt then, a genuine  
16 responsibility to do this. I do not want  
17 you to infer or suggest or leave the inference  
18 that I did this without due consideration,  
19 without great concern and without a conscientious  
20 understanding of what was being done.

21 Q. And the speech, the purpose of  
22 the speech, was to bring about an examination  
23 of these matters by a Royal Commission?

24 A. Exactly.

25 Q. And we have the Royal Commission.  
26 I am sure that you want the Royal Commission  
27 to have the best evidence possible that bears on  
28 any of the points covered by the terms of  
29 reference.

30 A. Yes, not only the terms of reference,







1 Mr. Wilson, I want the best investigation  
2 possible.

3 Q. But you want the best evidence,  
4 too?

5 A. Yes, the best evidence. I am not  
6 here to charge, as I said before, any man,  
7 but I am here determined to do my job and  
8 exercise my responsibility.

9 Q. I take it, in making this speech,  
10 in what you did say in this speech, you were  
11 basing it on what was said by other persons,  
12 informers?

13 A. There is no question of that.  
14 It must become quite apparent I wouldn't  
15 acquire any of this information of my own  
16 personal knowledge. I had many people assist  
17 me, of course.

18 Q. I take it on the substance of  
19 what is said, that these informers would be  
20 closer to the facts than you?

21 A. Yes.

22 Q. Now, that being so ---

23 A. It was my determination whether  
24 or not to believe these informers.

25 Q. I take it, you are desirous in  
26 assisting this Commission in every way in  
27 getting at the truth?

28 A. I certainly am, Mr. Wilson.

29 Q. Will you tell me the names of your  
30



Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 28th inst.

and in reply to inform you that the same has been forwarded to the proper authorities.

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

Enclosed for you are two copies of the report of the committee on the subject of the proposed amendment to the constitution.

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

I am, Sir, very respectfully,

Your obedient servant,

J. H. [Signature]

I am, Sir, very respectfully,





1 informers so we can call them and get their  
2 evidence and see if there is anything they  
3 can add?

4 MR. MACKINNON: Now ---

5 THE WITNESS: I am sorry.

6 THE COMMISSIONER: We have come to the  
7 bridge.

8 MR. WILSON: Now we have come to the  
9 bridge.

10 THE COMMISSIONER: What do you say, Mr.  
11 Mackinnon?

12 MR. MACKINNON: This is completely  
13 irrelevant to this Commission. This is what  
14 I say. I also say, as the witness has pointed  
15 out, that the source of this evidence is  
16 obvious. We have already had and gone far  
17 beyond it. I think the purpose of this question  
18 is to determine how he got it. Mr. Ewain  
19 said, and I wondered when Mr. Wintermeyer  
20 was being called, and I adopt this. He  
21 said the greatest crime of Mr. Wilson's  
22 employers ---

23 THE COMMISSIONER: The greatest what?

24 MR. MACKINNON: Crime or evidence, I  
25 think he used the word evidence, not that there  
26 might be allegations of crime of a corporation,  
27 but who squealed, who talked. That is the  
28 important thing to get to. I submit with  
29 respect it is quite irrelevant to this Commission  
30



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1 to maybe crucify some other public servant  
2 who, out of obligation to the public, felt  
3 that maybe he should reveal these things, and  
4 out of concern. Now, what purpose would be  
5 served to reveal any name or names, because  
6 the witness has pointed out the source. That  
7 is obvious. It comes from Scott's diary.  
8 It comes from Shrubbs's telephone list. It is  
9 obvious throughout. It comes from the  
10 Provincial Secretary's office, as Mr. Estey  
11 is asking.

12 THE COMMISSIONER: That is not quite  
13 the way Mr. Wilson has put it to this witness.  
14 At the moment, I said we have reached the  
15 bridge. This witness has said the information  
16 came from the Scott diary and police records  
17 and from evidence given at court proceedings.  
18 In substance, Mr. Wilson's question was this,  
19 and Mr. Wilson will correct me if I am wrong.  
20 You, Mr. Wilson, want the witness to say what  
21 other sources of information he had.

22 MR. WILSON: That is it exactly, Mr.  
23 Commissioner.

24 MR. MacKINNON: What other sources?  
25 Because he has given newspaper reports, and  
26 apart from what appears in the speech ---

27 THE COMMISSIONER: Oh, no. I thought  
28 I made myself clear. I will try again. The  
29 witness was asked with respect to sources of  
30







1 information. You can't listen to me and pay  
2 attention to Mr. Greer.

3 MR. MACKINNON: I am sorry.

4 THE COMMISSIONER: If Mr. Greer will  
5 just postpone what he has to say to you, you  
6 and I can understand each other.

7 The Witness has said the information which  
8 he gave, and to which he gave in his speech,  
9 the source was the Scott diary, police reports,  
10 evidence given at the trial or in court.  
11 You suggested that there was further evidence,  
12 further sources or a further source, namely  
13 something in the Toronto Telegram on some date  
14 which you mentioned and which I have not heard  
15 about, apart from what you said. Mr. Wilson's  
16 question boiled down to this. What were  
17 the other sources of information that you  
18 embodied in your speech?

19 MR. MACKINNON: If he is asking for it  
20 in a general way, I have no objection, so long  
21 as it is not a case of requesting names. I  
22 am sure the witness is quite prepared to  
23 tell you in a general way. I think he is  
24 quite frank. Maybe I misunderstood the  
25 question. There is another important principle  
26 involved which I have not said anything about.

27 THE COMMISSIONER: Just a minute.

28 MR. MACKINNON: Yes.

29 THE COMMISSIONER: I am not shutting  
30 you off. We will come to that later on. You



1. The first thing I saw was the

2. building in the distance.

3. The building was very

4. tall and narrow.

5. I saw it from the car.

6. It was very old.

7. The building was made of

8. stone.

9. It was very old.

10. I saw it from the car.

11. It was very old.

12. The building was made of

13. stone.

14. I saw it from the car.

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22. I saw it from the car.

23. It was very old.

24. The building was made of

25. stone.

26. I saw it from the car.

27. It was very old.

28. The building was made of

29. stone.

30. I saw it from the car.





1 have no objection about the witness naming,  
2 in a general way, without naming names?

3 MR. MACKINNON: Yes. And I think he  
4 has done it.

5 THE COMMISSIONER: Q. Have you exhausted  
6 that, Mr. Wintermeyer?

7 A. Well, Mr. Commissioner, as you  
8 have said ---

9 Q. No, just answer my question.  
10 Have you exhausted all you have to say, in  
11 a general way, in respect to the source of  
12 information you have?

13 A. I think so, Mr. Commissioner.  
14 From here on it would be naming persons.

15 Q. You say it would be naming persons?

16 A. Yes.

17 THE COMMISSIONER: Are you asking for  
18 the names?

19 MR. WILSON: Yes, I am asking for the  
20 names. We are here for the purpose of seeking  
21 the truth.

22 THE COMMISSIONER: I want you to demonstrate  
23 to me why it is necessary that he name names.

24 MR. WILSON: Well, reading the speech,  
25 there are certain facts in the speech, statements  
26 in this speech that obviously don't emanate  
27 from the Scott diary or any alleged evidence  
28 in court.

29 THE COMMISSIONER: What are they?  
30





کتابخانه ملی جمهوری اسلامی ایران

تاریخ ثبت: ۱۳۵۷/۰۵/۰۵

شماره ثبت: ۱۳۵۷/۰۵/۰۵

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THE WITNESS: What are they?

THE COMMISSIONER: Don't you say anything, Mr. Wintermeyer.

THE WITNESS: I am sorry.

THE COMMISSIONER: What are they?

MR. WILSON: I have already given one instance this morning when I talked about the Mafia. That doesn't emanate from Scott's diary.

THE COMMISSIONER: I suppose so. It came just as much of a surprise to you as it did to me. There was something in the Toronto Telegram about the interest of someone in the States who was said to belong to the Mafia.

MR. MACKINNON: Incidentally, Mr. Commissioner ---

THE COMMISSIONER: Please.

MR. WILSON: Now, a further instance of that is another matter I referred to this morning, the November 24th, 1954 raid.

THE COMMISSIONER: That is what I have been referring to as the Brampton episode?

MR. WILSON: Yes, the Brampton episode.

THE COMMISSIONER: There was evidence given as to that. The source of that information is in the police reports.

MR. WILSON: I really have to go over the speech bit by bit, Mr. Commissioner.

THE COMMISSIONER: From the pattern of



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1 your examination, I thought you had.

2 MR. MACKINNON: Yes, so did I.

3 MR. WILSON: I think, and it is obvious,  
4 that in the preparation of this speech, that  
5 more was relied on than merely the general  
6 sources that have been given by this witness.

7 THE COMMISSIONER: All right. What  
8 are they? Give me the instances.

9 MR. WILSON: Well, for example, there  
10 are numerous clubs referred to in this speech  
11 which have no source of the type mentioned by  
12 the witness. There are statements about  
13 persons involved in the operation of these  
14 clubs. Solicitors involved in the obtaining  
15 of charters for these clubs. All these matters  
16 are not based on the general source referred  
17 to by this witness.

18 THE COMMISSIONER: That is a pretty  
19 broad statement.

20 MR. WILSON: There are an awful lot of  
21 broad statements in the speech and I am simply  
22 asking the witness ---

23 THE COMMISSIONER: To name names.

24 MR. WILSON: If he has got somebody  
25 who is closer to the facts that we have not  
26 heard from, then these general sources that  
27 he talks about, that he should name them. And  
28 if we find that they have some evidence which  
29 will be helpful to this Commission, that they  
30



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1 be called.

2 THE COMMISSIONER: I think it is fair  
3 to put it that way, and I put this to you,  
4 Mr. MacKinnon. If this witness knows of  
5 any person whom he has good reason to believe  
6 has some knowledge of facts, either of which  
7 we have already heard<sup>or</sup> of which we have heard  
8 nothing, I ought to know who they are.

9 MR. MacKINNON: And that has been my  
10 purpose throughout this Commission, sir, as  
11 you will remember. I have written a number  
12 of names of proposed witnesses. That is  
13 the sole purpose. My last a letter of September  
14 27th, 1962. These are the people. Some of  
15 them since have been called and some have  
16 not, who I felt, as counsel, should be called  
17 to assist this Commission.

18 THE COMMISSIONER: Do you agree that this  
19 witness should tell me now if there are persons  
20 whom he has reasonable grounds for believing  
21 would help me in this investigation and to  
22 give me their names?

23 MR. MacKINNON: Can I give him this  
24 letter?

25 THE COMMISSIONER: No. I am asking  
26 you, do you think that is a fair position for  
27 me to take?

28 MR. MacKINNON: With respect, I don't think  
29 so. We have not come to question 3 where  
30





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1 be men like Blustein and people like that  
2 that should be called.

3 THE COMMISSIONER: Are you saying, in  
4 your view he should not give me the names of  
5 people whom he has good reason to believe could  
6 help me? Then I tell you, I definitely  
7 disagree with you.

8 MR. MACKINNON: I am not suggesting that  
9 for a moment, if he has some names that he  
10 can remember. All I wanted is that this is  
11 not the end of it. He is not counsel and I  
12 know a lot more than what he does of what is  
13 going on, and he is relying on me, as he has  
14 every right to do. But if he has some names  
15 that he feels should be called, then definitely  
16 he should mention them.

17 THE COMMISSIONER: I have not made my  
18 point clear to you yet. He may think  
19 definitely somebody should be called.

20 MR. MACKINNON: Yes, to assist you.

21 THE COMMISSIONER: Yes. That definitely  
22 certain people ought to be called. I am  
23 not in agreement all the persons whose names  
24 are put in the letter ought to be called.

25 MR. MACKINNON: You have not so advised  
26 me.

27 THE COMMISSIONER: I am telling you now.

28 MR. MACKINNON: But not which ones.

29 THE COMMISSIONER: I will tell you in due  
30







1 course. If this witness has good ground -  
2 reasonable ground for believing Mr. X could  
3 contribute some information to me that would  
4 be of assistance to me in the investigation  
5 I am called upon to make, I think I am entitled  
6 to have that man's name.

7 MR. MACKINNON: Certainly. There is no  
8 argument on that at all.

9 THE WITNESS: Certainly, Mr. Commissioner.

10 MR. MACKINNON: I misunderstood. I  
11 thought this would be limiting this because he  
12 said one name and I would then subsequently ---

13 THE COMMISSIONER: I would agree with  
14 you that you probably know more about the  
15 proceedings that have taken place here than  
16 the witness, because you have been here and he  
17 has not. Then I will put the question to the  
18 witness.

19 Q. Can you give me now the names  
20 of any persons whom you have good reason to  
21 believe can give information to me that would  
22 be of value to me in the investigation that  
23 I am called upon to make and who have not yet  
24 been called?

25 A. Mr. Commissioner, frankly, I  
26 don't. The persons I would identify would not  
27 contribute to any additional information for  
28 this Commission.

29 Q. Then your answer is that you have  
30

[illegible]





1 no names of any additional persons?

2 A. That is right. So we can  
3 understand one another, what I am saying is  
4 this. If I identified the persons, no  
5 additional information would come forward. I  
6 am only concerned with protecting, in my  
7 public position, the integrity and conscience  
8 of certain people that did give information  
9 to me of a confidential nature, and that  
10 information is before you now, Mr. Commissioner,  
11 and it is for you to determine whether it  
12 is accurate or not.

13 MR. WILSON: Q. In view of the  
14 witness's statement that any persons who may  
15 have given him information and if he did  
16 give the names and they would not assist you,  
17 then I won't press the matter.

18 There is nothing further can be added?

19 A. That is right, except to identify  
20 the personalities.

21 THE COMMISSIONER: That is what I  
22 understand the witness to say.

23 MR. WILSON: Yes.

24 THE COMMISSIONER: Then let us go on  
25 to something else.

26 MR. WILSON: That is all.

27 MR. MACKINNON: May I be allowed to  
28 reserve mine?  
29

30 THE COMMISSIONER: Mr. Rose, have you





The first of these is the fact that the  
 Government has not yet decided whether  
 it will accept the offer of the  
 United States to purchase the  
 Alaska Pipeline. This is a  
 very important question, and  
 the Government's decision will  
 have a great influence on the  
 future of the pipeline. It is  
 also a question of national  
 security, and the Government  
 must take into account the  
 interests of the United States  
 in the region. The pipeline  
 is a vital link between the  
 United States and the rest of  
 the world, and it is essential  
 that it be kept open and  
 secure. The Government must  
 therefore take a firm stand  
 on this issue, and it must  
 be clear that it will not  
 allow the pipeline to be  
 threatened in any way.



1 any question?

2 MR. ROSE: I understand Mr. Lawlor  
3 has.

4 THE COMMISSIONER: Have you any questions,  
5 Mr. Rose?

6 MR. ROSE: Yes.

7  
8  
9  
10  
11 EXAMINED BY MR. ROSE:

12  
13 Q. Mr. Wintermeyer, you told Mr.  
14 Wilson at the beginning you had no thought of  
15 distressing anyone in respect to the allegations  
16 and information that was given forth in  
17 your speech in the Legislature. That is  
18 correct, is it not?

19 THE COMMISSIONER: Yes, that is what he  
20 said.

21 MR. ROSE: Q. And I presume at the  
22 same time, having regard to the composition  
23 of this speech, you felt the speech would  
24 distress persons; that is correct?

25 A. That is correct.

26 Q. Yes. And is that why you  
27 stated to Mr. Wilson you took extraordinary  
28 steps to check your information?

29 A. Yes, Mr. Rose. Mr. Rose, let  
30 me make this ---



... ..

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1 THE COMMISSIONER: Let him ask the  
2 questions.

3 THE WITNESS: All right.

4 THE COMMISSIONER: We will get along  
5 far better if you just concentrate on the  
6 questions and answers.

7 THE WITNESS: Yes, all right, Mr. Commissioner.  
8 You can appreciate my position.

9 MR. ROSE: Q. May I ask what extra-  
10 ordinary steps you took to check your information?

11 THE COMMISSIONER: Just a moment. Haven't  
12 we pretty well covered that ground, Mr. Rose?

13 MR. MACKINNON: He has been asked that  
14 twice.

15 MR. ROSE: I gather no extraordinary  
16 steps have been taken.

17 THE WITNESS: Well, please ---

18 THE COMMISSIONER: Please. I don't  
19 care what you gather. If you have some questions  
20 to ask, ask them and don't make a statement.

21 MR. ROSE: I have a question. I don't  
22 see what extraordinary steps were taken to  
23 check the information.

24 THE COMMISSIONER: If I understand  
25 the witness, he has stated all the steps he  
26 took. Whether they are ordinary or extra-  
27 ordinary or commonplace doesn't make much  
28 difference, as far as I am concerned.

29 MR. ROSE: I was interested in the  
30 witness's statement that extraordinary steps



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The first thing I noticed when I stepped out of the car was the cold. It was a sharp, biting cold that seemed to penetrate my coat. I shivered as I walked towards the building, my hands tucked into my pockets. The air was thick with the scent of old stone and the distant hum of city traffic. I took a deep breath, trying to steady myself as I entered the grand, arched doorway. The interior was dimly lit, with light streaming in from high windows, creating a dramatic play of light and shadow. I felt a sense of awe and anticipation as I stepped into the unknown.





1 were taken.

2 Q. Now, in respect to certain  
3 matters mentioned in your speech at page 91,  
4 the left hand column, the second paragraph from  
5 the bottom, you said:

6 "There was testimony to indicate  
7 "that two brothers named Iannuzzelli  
8 "of Niagara Falls . . ." --

9 In my copy it says, "New York", but I under-  
10 stand it was corrected to "Niagara Falls,  
11 Ontario",

12 ". . . who preceded Feeley and  
13 "McDermott as the Canadian bosses  
14 "of the Ramsay Club, were members  
15 "of the Mafia."

16 Now, would you tell me the source of  
17 your information as to the allegation that  
18 they were members of the Mafia?

19 THE COMMISSIONER: Just a moment. He  
20 is not saying they were members of the Mafia.  
21 He says there was testimony.

22 THE WITNESS: I am saying --

23 THE COMMISSIONER: Please, Mr. Wintermeyer.

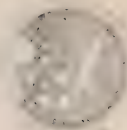
24 THE WITNESS: I am sorry.

25 THE COMMISSIONER: You are like a race  
26 horse.

27 THE WITNESS: I apologize, Mr. Commissioner.

28 THE COMMISSIONER: All he says is that  
29 there was testimony to indicate. He is not  
30







1 saying they were members of the Mafia.

2 MR. ROSE: Q. You are then, in  
3 referring to the testimony, referring to the  
4 testimony of Mr. George Scott?

5 A. Yes.

6 Q. It is based upon Mr. Scott's  
7 diary, I suppose, and you have read Mr. Scott's  
8 diary?

9 A. Mr. Rose, my recollection is  
10 that this evidence was given in a trial.

11 Q. That is correct.

12 A. Yes.

13 Q. And you have also read the  
14 diary?

15 A. Mr. Rose, I did not personally  
16 read the diary.

17 Q. I see. Somebody read the diary  
18 and reported to you the contents?

19 A. That is correct.

20 Q. And you would then also recall,  
21 would you not, in the contents reported to you,  
22 that this was a statement that Constable  
23 George Scott alleged that Police Constable  
24 Wright said to him?

25 A. My recollection is that you are  
26 correct.

27 Q. Yes. And do you have any other ---

28 A. Personally, no.

29 Q. Information aside from Scott's  
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1 diary, as to the truth of the allegation?

2 A. Personally, I do not.

3 Q. Do you know, as a matter of fact,  
4 what the Mafia is?

5 A. Do you?

6 Q. I am asking you the question,  
7 Mr. Wintermeyer.

8 A. I think I have a pretty good idea.

9 Q. Perhaps you would tell me.

10 THE COMMISSIONER: Just a moment. If  
11 I understood the judgment of the Court of  
12 Appeal, Mr. Rose, you were to be here and  
13 permitted to adduce evidence and to examine  
14 the witnesses whose testimony might adversely  
15 affect those whom you represent. Do you  
16 represent Iannuzzelli?

17 MR. ROSE: I represent the Iannuzzellis  
18 before you, Mr. Commissioner.

19 THE COMMISSIONER: I overlooked that.

20 MR. ROSE: Q. Forgetting the  
21 Iannuzzellis, the paragraph says that McDermott  
22 and Feeley were preceded by the Iannuzzellis  
23 as bosses of the underworld. It certainly  
24 has to do with them, anyway.

25 THE COMMISSIONER: Now, do you want him  
26 to start defining what the Mafia is?

27 MR. ROSE: Yes, I do.

28 THE COMMISSIONER: I am not going to  
29 waste time on that.  
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1           MR. ROSE: Going a step further. With  
2 respect to the chart which was in the Toronto  
3 Telegram on the 24th of April, 1961, have you  
4 had occasion to look at that?

5           THE COMMISSIONER: The what?

6           MR. ROSE: The chart, "Partial Mafia  
7 (Syndicate) Relationship Study", respecting  
8 the interlocking of the Mafia.

9           THE WITNESS: I saw the chart, Mr. Rose.

10          MR. ROSE: Q. Do you see that the names  
11 of the Iannuzzellis don't appear anywhere in  
12 it?

13          A.       Mr. Commissioner, if I may say  
14 this. It is a long time since I have seen  
15 that.

16          THE COMMISSIONER: I suppose the document  
17 speaks for itself.

18          MR. MACKINNON: It is American and does  
19 not apply to Canada, sir.

20          MR. ROSE: Q. Page 91, also on the  
21 right hand column ---

22          A.       I am sorry, Mr. Rose?

23          Q.       Page 91, on the right hand column.

24          A.       Yes.

25          Q.       The second paragraph:

26          "       There has been reference in

27 "court to a James Bay hunting trip

28 "which Joseph McDermott was supposed

29 "to have made with two or three  
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1 "racketeers from the United States."

2 Stopping there. Are you correct?

3 Are you sure you are correct in your statement  
4 that these gentlemen, whose names follow, were  
5 referred to in court as racketeers from the  
6 United States?

7 A. I can't recall. They were identified  
8 in court, Mr. Rose. I believe they were  
9 identified in court. I cannot recall and I  
10 do not know whether they were described as  
11 "racketeers". But, Mr. Rose, in my opinion,  
12 there is little doubt in the United States,  
13 particularly in the Attorney-General's Depart-  
14 ment of the United States, of the persons  
15 to whom reference was made were racketeers.  
16 If you have been following the situation in  
17 Detroit and Michigan, you will know on camera  
18 and television these people were identified  
19 and publicized more than I had ever publicized  
20 them in Canada.

21 Q. Was that prior to or subsequent  
22 to the time you made the speech?

23 A. Prior to the time I made the  
24 speech, I believe it was. I can't answer  
25 that, Mr. Rose. My recollection is that they  
26 were well identified to the United States  
27 public prior. Whether the T.V. performance  
28 was prior or not, I can't recall.

29 Q. Do I take it: "Two or three  
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1 rackateers", are your own words?

2 A. I think that is right.

3 Q. Do you know by this time that  
4 none of the gentlemen whose names are mentioned  
5 there, that is the three Toccoos, Vincent Melli  
6 or Corrado, have criminal records in the United  
7 States?

8 THE COMMISSIONER: Q. Do you know whether  
9 they have or not?

10 A. I do not.

11 MR. ROSE: I beg your pardon?

12 THE COMMISSIONER: He says he doesn't know.

13 MR. ROSE: Q. Did you read in the  
14 newspaper the evidence of P.C. Fitzsimmons?

15 THE COMMISSIONER: What is the difference  
16 whether he read it? I heard it.

17 MR. ROSE: Q. So that the only reason  
18 you say McDermott accompanied two or three  
19 rackateers up to James Bay was because of  
20 information you evidently had from the Attorney-  
21 General's Department in the United States  
22 and what you have seen on the television and  
23 heard?

24 A. No, that is not. Mr. Rose,  
25 frankly, my understanding is that these  
26 gentlemen to whom you are referring, the Toccoos  
27 and several of the others.

28 Q. And the Iannuzzellis?

29 A. Yes, who are mentioned on page 91,  
30







1 are very well known to the police and to the  
2 public in the State of Michigan.

3 THE COMMISSIONER: Q. As what? Known  
4 to them as what?

5 A. I think they are publicly known  
6 as gamblers, Mr. Commissioner. I am not sure.  
7 public identification of the word "racketeer"  
8 has ever been made. I don't think I have  
9 done them any disservice, Mr. Rose.

10 MR. ROSE: Q. Now, dealing with a  
11 matter on page 103 that Mr. Wilson was talking  
12 about. The left hand column. The second  
13 paragraph:

14 " Mr. Speaker, there has been  
15 "absolutely no suggestion that  
16 "Constable Scott's true purpose  
17 "was discovered by the gamblers.  
18 "That being the case, and recognizing  
19 "that the police themselves would  
20 "want the investigation to continue,  
21 "what conclusion is possible but  
22 "that it was stopped on the orders  
23 "of the Honourable Attorney-General?"

24 Now, the only question I want to ask  
25 you - you told us that the Scott diary or  
26 the contents of the Scott diary were communicated  
27 to you by some other person. And do you  
28 recall in the Scott diary that at page 28 -  
29 did you ever look at the Scott report, aside  
30 from the Scott diary?





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1 A. I have not seen the Scott diary  
2 or the Scott report.

3 THE COMMISSIONER: Q. What did you say?

4 A. I have not seen the Scott diary  
5 or the Scott report.

6 MR. ROSE: Q. Were the reports ever  
7 made to you by Mr. Scott before the investigation?

8 A. They were discussed by me,  
9 Mr. Rose.

10 Q. Let me ask you this. Under  
11 date of Friday, May the 20th, prior to the  
12 investigation, was this read to you, what Scott  
13 had to say in his report?

14 "At this point of the investigation

15 "I have arrived at a time when I

16 "am actually counselling Lawrence

17 "and Lamorie in their methods of

18 "taking bribes. I feel that I am

19 "lending myself to further incrimination

20 "of these two men, to say nothing of

21 "P.C. Wright, and for this reason I

22 "feel that I should, with all due

23 "respect, be advised as to whether

24 "or not criminal charges are to

25 "be preferred."

26 Do you recall ever having that read to  
27 you from Scott's report?

28 A. Mr. Rose, I recall that there  
29 was concern, I believe it has been expressed  
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1 in this Commission, about whether or not it  
2 would be advisable for Mr. Scott to continue  
3 the investigation because it might involve  
4 his association with a criminal act. Now  
5 this is a matter of judgment, Mr. Rose. I  
6 personally have felt that it would have been  
7 wise to let Mr. Scott continue.

8 Q. But will you not agree with me,  
9 having regard to these words, at that time a  
10 fair inference to be drawn is that Scott,  
11 himself, thought the investigation should  
12 be discontinued at that time?

13 A. Mr. Rose, you have more informa-  
14 tion and you have had the opportunity to hear  
15 Mr. Scott. Very frankly, you may have more  
16 knowledge and Mr. Commissioner, you would have  
17 more knowledge than I. I was not here during  
18 Mr. Scott's testimony. I simply defer to  
19 you. I made the statement, you will recall,  
20 Mr. Rose, on the 29th day of November.

21 Q. Now, beginning at page 105, in  
22 the right hand column, the third paragraph  
23 down. There is one point I must deal with  
24 and I do so most reluctantly.

25 THE COMMISSIONER: What page is that?

26 MR. ROSE: 105.

27 " There is one final matter

28 "I must deal with in my remarks

29 "at this time."

30 THE COMMISSIONER: In the right hand column?

THE





1 MR. ROSE: In the right hand column.

2 THE COMMISSIONER: Thank you. I have  
3 it now.

4 MR. ROSE: Q. And then you go on to  
5 discuss in your speech the names of people  
6 in the hunting party at the James Bay Goose Club  
7 in the fall of 1958, and you mention one  
8 Mr. Monteith and go on to say or allege certain  
9 relationships between Monteith and Feeley  
10 and McDermott.

11 Page 106, in the second paragraph, you  
12 say:

13 "Mr. Speaker, Arthur B. Monteith  
14 "has for several years been an  
15 "employee, a customers' man with  
16 "Davidson and Company. Mr. Speaker,  
17 "the foreman of the jury which tried  
18 "Feeley, McDermott and Wright was  
19 "vice-president of Davidson and  
20 "Company."

21 You mentioned about the defence counsel  
22 in another case being approached.

23 THE COMMISSIONER: I am sorry. I have  
24 not located all that. Are you still on 105?

25 MR. ROSE: I am now on 106, Mr. Commissioner.

26 THE COMMISSIONER: Oh. All right,  
27 thank you.

28 MR. ROSE: Q. You seem to imply that  
29 there was some sort of hanky-panky involved in  
30

c/s







1 obtaining the judgment of a man who was vice-  
2 president of Davidson and Company being on the  
3 jury which tried Feeley, McDermott and Wright.  
4 What I am more concerned about is that there  
5 is, I would think, and I am sure you might  
6 agree with me, that there is inferences that  
7 the public is likely to draw from the statements  
8 you made concerning the matters mentioned by  
9 you.

10 A. That is right.

11 Q. And a rather sinister one; is  
12 that not right?

13 A. That is right, Mr. Ross.

14 Q. Now, you say that is, "That is  
15 all I am going to say about the jury, Mr.  
16 Speaker."

17 And you go on to say:

18 "I have further information in

19 "particular with regard to the

20 "deliberations of the jury and

21 "jurymen which I have decided not

22 "to give to this House."

23 THE COMMISSIONER: Where is that?

24 MR. ROSE: 106, Mr. Commissioner. The  
25 left hand column, the beginning of the paragraph,  
26 "Two of the four names he was asked to challenge  
27 were drawn and were challenged."

28 THE COMMISSIONER: What do you want to  
29 ask him about it?  
30







1 MR. ROSE: "I have further information  
2 "in particular with regard to the  
3 "deliberations of the jury and the  
4 "jurymen which I have decided not  
5 "to give this House."

6 THE COMMISSIONER: What do you want  
7 to ask him?

8 MR. ROSE: Q. Do I gather from that,  
9 you had certain information from the members  
10 of the jury who tried McDermott, Feeley and  
11 Wright?

12 A. That is right, Mr. Rose.

13 Q. And would you tell me how it was  
14 that that information was given to you?

15 A. Now --

16 THE COMMISSIONER: Just a moment. If  
17 this information was given to him by members  
18 of the jury, then all I have to say is that  
19 it should not have been, and it doesn't matter  
20 when it was given or how it was given or by  
21 whom it was given. It should not have been  
22 given and I am not going to hear anything  
23 with respect to it.

24 MR. ROSE: Q. Just leaving that ---

25 THE WITNESS: Mr. Commissioner ---

26 THE COMMISSIONER: Please don't, Mr.  
27 Wintermeyer.

28 THE WITNESS: I am not going to ~~stir~~  
29 divulge anything or make any explanation.  
30







1 THE COMMISSIONER: I am discussing  
2 something with Mr. Rose.

3 MR. ROSE: I wonder if you would appreciate  
4 the reason for the question. As far as that  
5 is concerned, it would appear it won't go  
6 any further, but there was a great deal of  
7 time taken up in the speech at page 105 and  
8 106, which leads anybody listening to the  
9 speech or reading the report of the inescapable  
10 inference that is being made, that there was  
11 tampering with that jury that by the three of  
12 the persons whom I represent here within that  
13 menacing ---

14 THE COMMISSIONER: I don't think, Mr.  
15 Rose, with great deference to you, that there  
16 is anything in that speech which would lead  
17 to the question that there was tampering with  
18 the jury. There are matters referred to in  
19 the speech that might lead to the conclusion  
20 in the opinion of some people that the jury  
21 brought in a perverse verdict. There is no  
22 suggestion of tampering.

23 MR. ROSE: Ofcourse, the last statement:

24 "I have further information in

25 "particular with regard to the

26 "deliberations of the jury and

27 "jurymen which I have decided

28 "not to give this House."

29  
30 is rather all-encompassing, and it might include





THE PRESIDENT: I am directing

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1 anything. However, as far as requiring  
2 disclosure, I am not going any further.

3 That is all the questions.

4 THE WITNESS: Mr. Commissioner, will you  
5 let me make one point?

6 THE COMMISSIONER: Not right now. We  
7 will have a ten-minute recess.

8  
9 ---Short recess.

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13 (Page 11710 follows)



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1 ---On resuming:

2  
3 THE COMMISSIONER: Mr. Rose, did you  
4 indicate if you were through? I just want  
5 to make sure. Where is Mr. Rose? Is he  
6 concluded?

7 MR. MACKINNON: I thought that he had,  
8 but I can't speak for Mr. Rose, my lord.

9 THE COMMISSIONER: Mr. Lawlor, have  
10 you some questions to ask?

11 MR. LAWLOR: Before I ask any, Mr.  
12 Commissioner, the questions I have in mind --  
13 they are directed towards the social club  
14 charters insofar as the speech, Mr. Wintermeyer,  
15 and I have here a brief but they aren't  
16 on this ---

17 THE COMMISSIONER: Put the questions  
18 to him.

19 MR. WILSON: Mr. Commissioner, there  
20 may be some questions I want to ask this  
21 witness, not on this phase of the inquiry,  
22 and I am leaving them until the evidence  
23 was in on that question.

24 THE COMMISSIONER: Mr. Lawlor, do you  
25 want to ask him any questions? Now, I  
26 will hear them.

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1 EXAMINED BY MR. LAWLOR:

2  
3 Q. First of all, Mr. Wintermeyer, have  
4 you seen this brief submitted to the Commission  
5 by the Department of the Provincial Secretary?

6 A. I certainly have seen it.

7 Q. Have you read it?

8 A. I have not read it in complete  
9 form. I have examined it.

10 Q. You know that the brief contains  
11 a running account of your speech?

12 A. Yes, it does.

13 Q. Insofar as it involves the social  
14 clubs and the Provincial Secretary's Department,  
15 and on another column makes a commentary thereon?

16 A. Yes.

17 Q. You have not read those  
18 commentaries?

19 A. Oh, Mr. Lawlor, I have looked at  
20 it. I recognize that it is the basic form  
21 of the brief.

22 Q. In general, have you any commentary  
23 that you can make on those commentaries?

24 THE COMMISSIONER: Well, now, just a  
25 moment, that is not going to help us very  
26 much.

27 MR. LAWLOR: Very well. Because, Mr.  
28 Commissioner, he could work from it with  
29 respect to the commentary.

30 THE COMMISSIONER: You had better get me







1 mine, too. Go ahead.

2 MR. LAWLOR: Yes.

3 Q. On page 43 of the brief there is  
4 mention of the Divion Club and the question  
5 of the addresses; that is, apparently, Mr.  
6 Wintermeyer, you made no distinction between  
7 the actual operating address and the head  
8 offices?

9 A. That is correct. That was a  
10 misunderstanding.

11 Q. That was a mistake?

12 A. It was a mistake.

13 Q. Very well. In the matter of the  
14 Club Bernard, that is at page 45 I believe,  
15 the comments made by the Provincial Secretary  
16 are that the order-in-council of the charter  
17 was on July 10th, 1961. That is prior to  
18 the date of your speech, is that correct?

19 A. I am sorry --

20 Q. On the middle of page 45 of the  
21 brief it has a heading 'Club Bernard'?

22 A. Yes.

23 Q. You were quite wrong about that?

24 MR. ESTEY: What's that?

25 MR. LAWLOR: I am referring to the  
26 brief of the Provincial Secretary's Department  
27 at page 45.

28 MR. ESTEY: What year?

29 MR. LAWLOR: Apparently, he said,  
30



1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the proposed amendment to the Convention on the High Seas.

2. The second is the fact that the Commission has not yet received any information from the Government of the United States regarding the proposed amendment to the Convention on the High Seas.

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10. The tenth is the fact that the Commission has not yet received any information from the Government of the United States regarding the proposed amendment to the Convention on the High Seas.





1 according to his speech -- that is on the left  
2 hand column:

3 "From 1954 to 1956 he was a director  
4 "of the Club Bernard, a club still  
5 "operating and suspected of illegal  
6 "gambling."

7 The commentary on the other side states that  
8 the club dissolved on July 10th, 1961.

9 A. Mr. Lawlor, I am not sure about  
10 that.

11 Q. Obviously, the point that I was  
12 making was that a particular person was a  
13 director of the club from '54 to '56, and I  
14 don't think there is any question about that?

15 A. No.

16 Q. Now, the problem becomes simply  
17 this, as of the 29th of November, was the  
18 club still operating or not?

19 A. Maybe I was in error. I cannot  
20 tell you absolutely. You pointed out that  
21 the commentary suggested the club was  
22 dissolved in July of 1961, that may be;  
23 it doesn't deviate or negative observations  
24 I was making.

25 Q. No, but it indicates that the  
26 sources of your information may not have  
27 been as thorough in this specific instance  
28 as they might have been?

29 A. Mr. Lawlor, I don't think it  
30





1 would have been humanly possible to do more than  
2 what was done on that. I don't think any -- I  
3 like to think that it has been done since the  
4 information came from the Provincial  
5 Secretary's files as such. Now, I think  
6 anybody who examined those files would  
7 realize that it is rather difficult to find  
8 your way through.

9 Q. On page 38 of the brief you  
10 mentioned the three clubs at the bottom of  
11 the page, you mentioned the Roseland Club,  
12 the Frontier Club and the Centre Road Veterans  
13 Club?

14 A. Yes.

15 MR. LAWLER: In advance of the question,  
16 perhaps it would be out of order, Mr.  
17 Commissioner, but I am going to ask it.

18 Q. Is it your opinion, did you at  
19 that time, and do you now think that these  
20 club charters ought not to have been  
21 issued?

22 THE COMMISSIONER: Well, now, I want  
23 facts. I don't want his opinion.

24 MR. LAWLER: Neither does the Opposition.

25 THE COMMISSIONER: I know.

26 MR. LAWLER: Very well, your lordship.

27 Q. The clubs of which you speak here  
28 are largely confined to the Toronto area?

29 A. Yes, I would think that the big  
30







1 majority of the clubs to which reference has been  
2 made are in the Toronto area. My recollection  
3 is that the great majority of them were in the  
4 Toronto area. I did make reference to the  
5 fact that the ancient and old clubs, identified  
6 as outside of Toronto, in communities, were  
7 transferred to Toronto and became operative  
8 here in Toronto.

9 MR. LAWLOR: Again, Mr. Commissioner, the  
10 question I propose to put may be questionable.

11 THE COMMISSIONER: Yes.

12 MR. LAWLOR: Q. What did you expect  
13 the Department of the Provincial Secretary to  
14 do that they did not do with respect, for  
15 instance, to the checking of membership lists  
16 of the clubs ---

17 THE COMMISSIONER: That would be an  
18 opinion.

19 MR. LAWLOR: Again, an opinion which  
20 may have been of some relevance to the  
21 Commission.

22 THE COMMISSIONER: I suggest to you, Mr.  
23 Lawlor, that you could make representations to  
24 me on the -- based on the evidence as to what  
25 they did that they shouldn't have done or  
26 what they failed to do that they ought to  
27 have done.

28 MR. LAWLOR: Again I bow, Mr. Commissioner,  
29 thanks very much.  
30

[illegible]





1 THE COMMISSIONER: Questions, Mr. MacKinnon?

2 MR. MacKINNON: I have some ---

3 MR. WILSON: I have some questions.

4 MR. MacKINNON: Maybe I should wait until  
5 after Mr. Wilson has completed.

6

7

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11

EXAMINED BY MR. WILSON:

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16

Q. You say that the difficulty in  
finding your way through the Provincial  
Secretary's files -- I just want to know what  
that means?

17

18

19

20

21

A. I mean, well, Mr. Commissioner,  
it would be an expression or an opinion. I  
think, and I must say that I do think the  
administration -- the actual information  
could be assimilated in simpler form.

22

23

THE COMMISSIONER: He is apparently  
referring to the brief.

24

25

MR. WILSON: No, he is talking about the  
files, Mr. Commissioner.

26

27

THE COMMISSIONER: Well, he says they  
could be assimilated -- in simpler form.

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MR. WILSON: He was talking about the  
files.

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THE COMMISSIONER: Were you referring to



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THE SECRETARY OF THE ARMY  
WASHINGTON, D. C.  
JANUARY 1, 1918  
SIR:  
I have the honor to acknowledge the receipt of your letter of the 29th inst. in relation to the matter mentioned in the subject of the same.  
The Department is at present unable to give you the information requested, as the necessary data is not yet available.  
I am, however, sure that the information will be made available as soon as possible.  
Very respectfully,  
THE SECRETARY OF THE ARMY  
Enclosure



1 the files, or that big volume?

2 A. Mr. Commissioner, what I was  
3 referring to was this; the very difficult job  
4 it is to accumulate information from the --  
5 not from the other files as such, but one  
6 has to take each individual file and  
7 accumulate the information, and actually  
8 correlate it. Now, I would think that  
9 the job of correlating could have been done,  
10 and should have been done, and in response  
11 to Mr. Lawlor's observation that it may be --  
12 that maybe the Provincial Secretary's  
13 Department should or could have known.

14 THE COMMISSIONER: Now we are just  
15 getting an opinion.

16 A. Exactly.

17 MR. WILSON: Q. I am only concerned  
18 that there wasn't any irregularity.

19 A. No, no.

20 THE COMMISSIONER: He is not suggesting  
21 that.

22 A. I wasn't suggesting -- I was just  
23 suggesting the pure mechanics within the  
24 Department.

25 MR. WILSON: That's all.

26 THE COMMISSIONER: Mr. MacKinnon?

27

28

29

30







1 EXAMINED BY MR. MACKINNON:

2  
3 Q. Mr. Wintermeyer, just two questions.  
4 You were asked about the Tocco brothers and the  
5 NBC television program, as to whether that  
6 was before your speech or not, and I wonder  
7 if it would refresh your memory if you were  
8 advised that this program, "Crime Does Pay",  
9 was shown on NBC network on October the 18th,  
10 1961?

11 A. Is that right?

12 Q. Would you ---

13 A. If that were so, I would accept  
14 that.

15 Q. This was before the speech?

16 A. Before the speech. The speech  
17 was made on the 29th of November.

18 Q. And the second question is, prior  
19 to coming here, and prior to giving evidence  
20 this morning, were you interviewed by the --  
21 did you speak to Mr. Wilson?

22 A. No, I have never talked to Mr.  
23 Wilson about this.

24 MR. MACKINNON: Thank you.

25 THE COMMISSIONER: The matter is up in  
26 the air, Mr. Mackinnon. I don't know what  
27 the NBC T.V. program was -- "Crime Does Pay".

28 MR. MACKINNON: It was on, and I saw  
29 it by accident and not by design, and I just  
30 happened to see it. This was long before I



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20. This information was obtained from a confidential source who has provided reliable information in the past.





1 thought I would be involved in anything like this,  
2 and possibly the Crown can give some evidence  
3 of what it was. I should think my friend  
4 could have got the evidence from Grosse Point.

5 THE COMMISSIONER: Whose would he go to  
6 get that evidence.

7 MR. MacKINNON: I would presume that  
8 maybe your Detroit policeman might have been  
9 able to give it if he was here.

10 THE COMMISSIONER: This television program  
11 referred to here, I think I have seen references  
12 to it from time to time, either here or in  
13 my room. What the content of it -- or whether  
14 it refers to Tosco ---

15 MR. MacKINNON: It refers to the Tosco  
16 brothers.

17 THE COMMISSIONER: Tosco?

18 MR. MacKINNON: Yes, as to their activities.  
19 The heading was, "Crime Does Pay", and it showed  
20 them on television with a picture of their  
21 home and them coming out and attacking a  
22 television cameraman and it was generally a  
23 review of how they had acquired their wealth.

24 THE COMMISSIONER: I don't think Mr.  
25 Wilson is suggesting that Tosco is -- I don't  
26 know anything about it. Is that all the  
27 questions of this witness?

28 MR. MacKINNON: Yes.

29 THE COMMISSIONER: Further questions, Mr.  
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I am in receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Name]

Enclosed for you are two copies of the report of the committee on the subject of the proposed amendment to the constitution of the Association. I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Name]

I am in receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Name]



1 **Wilson?**

2 **MR. WILSON:** No, Mr. Commissioner.

3 **THE COMMISSIONER:** That is all, Mr.

4 Wintermeyer, thank you.

5 **A.** Thank you, Mr. Commissioner.

6  
7 ---The witness withdrew.

8  
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11 **MR. WILSON:** Call Mr. Conson.  
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1 WILLIAM B. COMMON, recalled,

2 THE COMMISSIONER: You are already sworn,  
3 Mr. Common.

4 THE WITNESS: Yes, Mr. Commissioner, I  
5 was.

6 THE COMMISSIONER: Mr. Wilson?

7  
8 EXAMINED BY MR. WILSON:

9  
10 MR. WILSON: The witness's first appearance  
11 was on March the 20th and he gave certain  
12 categorical denials to certain matters that  
13 are in issue here. I don't propose to repeat  
14 any of that.

15 Q. The first matter I want to direct  
16 your attention to was your knowledge of George  
17 Scott's undercover operation starting in  
18 February of 1960.

19 THE COMMISSIONER: His present knowledge  
20 of it, or a running account of what his knowledge  
21 was from time to time.

22 MR. WILSON: That's right, Mr. Commissioner,  
23 what his knowledge was during the period that  
24 this operation was or had been carried out by  
25 Scott.

26 A. Mr. Commissioner, on or about March  
27 the 3rd, I think it was, of that year,  
28 Commissioner Clark came to my office ---

29 THE COMMISSIONER: That's in 1960?

30 A. 1960, yes. Commissioner Clark



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1 attended at my office and advised me that an  
2 undercover investigation was going on in respect  
3 to Constable Wright. I had known prior to  
4 that time that Constable Wright had been  
5 transferred to Belleville and at that time --  
6 that is on March 3rd of 1960 -- allegedly  
7 \$400 had been paid by Wright to Scott.

8 After discussing the matter thoroughly  
9 with Commissioner Clark I instructed him to  
10 carry on this undercover investigation and  
11 to report to me from time to time as events  
12 transpired. I immediately took ---

13 THE COMMISSIONER: Don't go too quickly.

14 A. I am sorry.

15 Q. An undercover investigation --  
16 proceed?

17 A. Yes, my lord. I immediately  
18 took Commissioner Clark in to see the Attorney  
19 General on that date and advised Commissioner  
20 Clark to relate to the Attorney General the  
21 same information that I had received a few  
22 moments previously. The matter was  
23 discussed and the Attorney General agreed  
24 with my instructions to Commissioner Clark  
25 to have an investigation proceed.

26 As Constable Scott made his report, as  
27 you know, he did not make a daily report.  
28 There was some nine, ten or eleven reports,  
29 I forget the exact number, and as those  
30







1 reports came in Commissioner Clark came to my  
2 office with copies of the reports, as I recall,  
3 and I reviewed the reports. The matter was  
4 discussed further and the investigation of  
5 Constable Scott proceeded.

6 MR. WILSON: Q. When was the decision  
7 reached that a criminal prosecution should  
8 be instituted against R.J. Wright?

9 A. That was reached, Mr. Wilson, on  
10 the 11th day of May of that year, 1960, at  
11 which time the sum of \$1,000 had allegedly  
12 been paid by Wright to Scott.

13 Q. And who were the parties to that  
14 decision -- who made the decision?

15 A. On that occasion, the meeting was  
16 held in the office of the Attorney General,  
17 and present was the Attorney General,  
18 Commissioner Clark and myself. The matter  
19 was discussed and the Attorney General felt  
20 that the proceedings had gone on a long  
21 considerable distance and a crime was prima  
22 facie being committed; that raids were  
23 contemplated, if not actually taking -- if  
24 not actually being carried out when it was  
25 known that there was a tip-off to the  
26 various places that were to be raided.  
27 The Attorney General felt, and with which I  
28 agreed, that the matter could not be permitted  
29 to go on any longer, and it was decided then  
30





1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the proposed sale of the assets of the American International Corporation to the Government of the United States. The Commission is therefore unable to make any statement regarding the proposed sale of the assets of the American International Corporation to the Government of the United States.



1 that a charge should be laid against Constable  
2 Wright.

3 At that time, Commissioner Clark requested  
4 the Attorney General to permit him to allow the  
5 investigation to proceed until the end of  
6 the month, and that permission was granted.

7 Q. What, so far as you were concerned,  
8 what was the next steps that were taken?

9 A. The next step, as I recall it,  
10 was on the 21st day of May when Commissioner  
11 Clark, and I believe he so testified here ---

12 THE COMMISSIONER: The date?

13 A. The 21st day of May, instructed  
14 Chief Inspector Graham to lay a charge  
15 against Constable Wright. I am not sure of  
16 what day of the week the 21st of May occurred  
17 on, but I think it was the Monday or Tuesday,  
18 or I am not clear as to that at the moment.  
19 But, in any event, the Attorney General, on  
20 that week-end -- that is the prior week-end --  
21 left for Oregon, Portland, Oregon, for a  
22 meeting of the American Bar Association.  
23 During that week of absence, the report of  
24 Constable Scott, in which my name appeared,  
25 and I think also Constable -- Deputy  
26 Commissioner Bartlett's name appeared, was  
27 shown to me.

28 Q. Well, now, just so that we will  
29 be clear about that, would you show the  
30



and a large number of other persons

...

at that time, in addition to the persons

the persons mentioned in the list of

investigation of persons and the list of

the persons, and the persons who are

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that was the case with the persons

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1 witness Exhibit 61 at page 25, I think it is.

2 THE COMMISSIONER: The Attorney General  
3 was in Portland?

4 A. The Attorney General was in Portland  
5 when this report was shown.

6 MR. WILSON: Q. 25, page 25.

7 A. Thank you.

8 Q. Look under -- that report is  
9 dated May 23rd, 1960, and it is the ninth  
10 report, and if you look in that report under  
11 the date of May 13th, item (B). Is that  
12 one of the reference to yourself that you  
13 were speaking about?

14 A. That is so, Mr. Wilson.

15 Q. Then if you look at the next  
16 page under the date of May 17th, item (H),  
17 is that the other item that you speak about  
18 that was brought to your attention?

19 A. That is correct, sir.

20 Q. At that time?

21 A. That is correct, sir.

22 THE COMMISSIONER: Let me see item (H).

23 A. Naturally I was astounded,  
24 disgusted, and ---

25 Q. And angry?

26 A. I beg your pardon?

27 Q. And angry?

28 A. That's the understatement of the  
29 year, sir, with respect. I was unable to report  
30



Witnesses present at the time of the incident are as follows:

1. Mr. [Name] - [Address]

2. Mr. [Name] - [Address]

3. Mr. [Name] - [Address]

4. Mr. [Name] - [Address]

5. Mr. [Name] - [Address]

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26. Mr. [Name] - [Address]

27. Mr. [Name] - [Address]

28. Mr. [Name] - [Address]

29. Mr. [Name] - [Address]

30. Mr. [Name] - [Address]





1 the matter to my Minister because, as I said  
2 before, he was then in Portland, Oregon.

3 On the 26th day of May, a charge was  
4 actually laid by, I understand the informant  
5 was Chief Inspector Graham, and Wright's  
6 arrest was effected on the 28th or 29th --  
7 the 29th I believe. That week-end -- that  
8 was the Saturday morning of Wright's arrest,  
9 and that was the week-end, and there was then  
10 the annual convention of the Crown Attorneys  
11 Association which was held in Ottawa, and  
12 to which -- at least which I always attended,  
13 and the Attorney General also attended. It  
14 was the first opportunity, of course, that I  
15 had the Attorney General -- having returned  
16 from Oregon -- it was the first opportunity I  
17 had of advising my Minister of the contents  
18 of Constable Scott's report, No. 9. At  
19 that time Constable Wright had been arrested.

20 MR. WILSON: Q. Did you have anything  
21 to do with further investigations being  
22 carried out by Chief Inspector Graham following  
23 the arrest of Wright?

24 A. I knew that Chief Inspector Graham,  
25 having regard to the information contained in  
26 all of the reports of Constable Scott, was  
27 checking out the -- a great deal of phone  
28 numbers and a great deal of information with  
29 a view of charging McDermott and Feeley.  
30







1 Q. Then, did you have anything -- we  
2 have been told that McDermott and Feeley were  
3 charged as being keepers of a common gaming  
4 house in June of 1960.

5 A. They were charged -- the information,  
6 I understand, Mr. Wilson, was laid -- I do not  
7 think -- in the laying of the information  
8 there was some discussion, as I recall, about  
9 the form of the information, and a subsequent  
10 information was laid against both McDermott  
11 and Feeley charging them with keeping a common  
12 gaming house in the County of Peel.

13 Q. Did your Department retain counsel  
14 to conduct these prosecutions?

15 A. Yes, the local Crown Attorney in  
16 the first instance, Mr. Metcalfe, Peel County,  
17 handled the matter, and at least when I say  
18 "handled the matter", he was engaged in the  
19 matter in the first instance. At a later  
20 date, it transpired that Mr. Metcalfe felt  
21 that he was disqualified in handling the  
22 matter by reason of his prior association  
23 as a private practitioner with the Gogek firm,  
24 in Port Credit I think, who had acted on  
25 occasions for McDermott and Feeley.

26 As a result of his request to be relieved,  
27 Mr. Alex Hall, Q.C., the then Crown Attorney  
28 at Oshawa or Whitby, was retained and he  
29 carried on for some time. Now, Mr. Henry  
30



Q. Now, did you have anything to say?

A. Yes, I did. I was there at the time.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. Now, you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.

Q. And you were there at the time of the shooting?

A. Yes, I was.





1 Bull, Q.C., the senior Assistant Crown Attorney  
2 for the County of York, was requested to  
3 handle the prosecution in regard to Wright,  
4 and there were conferences between Mr. Hall,  
5 Mr. Bull, members of my Department, including  
6 myself, on occasions, in regard to the matter,  
7 and in the meantime, and this I want to  
8 emphasize, the charge or charges against  
9 McDermott and Feeley were uppermost in our  
10 minds. We knew that Chief Inspector  
11 Graham and members of the C.I.B., and the  
12 Anti-Gambling Squad were pursuing the  
13 investigation from the facts arising out of  
14 Constable Scott's diary, with that end in  
15 view, and it must be borne in mind that the  
16 summer vacation intervened, although I am  
17 informed and I knew at the time that the  
18 police investigation was proceeding during  
19 the summer months.

20 Later on that fall, I think it was in  
21 the month of November, a meeting was called  
22 in my office, and as my recollection informs  
23 me, I think there were present then Mr. Hall,  
24 and Mr. Bowman, and I am not sure whether Mr.  
25 Bull was there at that time or not. However,  
26 on that occasion, if I -- I think it was  
27 that occasion, if not the next meeting, it  
28 came that Mr. Hall, as I said before, had  
29 been retained to prosecute the gaming house  
30 charge, and having been retained in that







1 capacity, he had access of course to all the  
2 police information and facts, and I think it  
3 was at a later meeting, I think a meeting  
4 we had in November, where he announced to  
5 myself and to Mr. Bowman that there was  
6 evidence which had -- which was to some  
7 extent corroboration involving McDermott;  
8 that was, that Sergeant Anderson had been  
9 over -- had overheard by telephone a  
10 conversation that had taken place by --  
11 between -- allegedly taken place between  
12 McDermott and Scott.

13 Q. Now, was that the first time that  
14 you had knowledge of that fact?

15 A. That was the first time that I,  
16 either Mr. Bowman or myself, had knowledge  
17 that there was any corroboration whatsoever.

18 Q. Now, I want you to look at  
19 Exhibit 61, at page 29, and under the date  
20 of May the 25th, the second paragraph reads --  
21 first of all, was that particular report  
22 brought to your attention?

23 A. I can't say definitely, Mr.  
24 Wilson, whether it was. I can say very  
25 definitely, that if this report had been  
26 brought to my attention I had no recollection  
27 of that paragraph in view of the scandalous  
28 references to me in the previous one, and I  
29 was more interested, and I think naturally,  
30







1 in the previous one.

2 Q. Well, the wording there is:

3 "I phoned a Crescent number --

4 "Crescent 8-3783 about 7.10 p.m. and

5 "the usual voice answered, Joe

6 "McDermott. This call was placed

7 "from our office at general

8 "headquarters, and Sergeant Anderson

9 "was listening in on another phone

10 "on the same line."

11 A. Yes.

12 Q. There is nothing in that report  
13 that indicates that Sergeant Anderson  
14 recognized the voice?

15 A. That is quite so.

16 Q. That is quite so?

17 A. Yes.

18 Q. Well, in any event, you can't say  
19 whether or not that came to your attention,  
20 and it certainly didn't indicate to you  
21 that there was any corroboration?

22 A. That is so. I think I can quite  
23 fairly and honestly say, having regard to the  
24 entire Scott diary, I was satisfied that  
25 there was no corroboration insofar as Jimmy  
26 McDermott and Feeley were concerned, per se  
27 that is, I am leaving out the subsequent police  
28 investigation, of course, which did disclose  
29 evidence that resulted in the conviction of  
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1 the three accused, but I was satisfied from  
2 the ---

3 Q. That conviction was appealed, as  
4 I understand it, this morning the appeal was  
5 dismissed?

6 A. So I was advised a few moments  
7 ago, that the appeal had been dismissed.

8 Q. What happened after that -- this  
9 meeting that you say took place between the  
10 persons whom you have named, insofar as the  
11 Crown prosecutions are concerned?

12 A. Mr. Bull, as I have said before,  
13 and I think he testified to this in his own  
14 evidence, was of the opinion that the charge  
15 against McDermott and Feeley should not be  
16 associated in any way with the charge against  
17 Wright. He was very strong in that view  
18 and he felt that the collateral prosecution  
19 in that field would more or less muddy the  
20 water, and he felt that he could not  
21 conscientiously take the brief and ask to  
22 be relieved of the responsibility. We then  
23 asked Mr. Alex Hall, who had been retained  
24 to prosecute the gaming house charge, to  
25 assume the responsibility of prosecuting  
26 the charges of bribery against Wright,  
27 McDermott and Feeley, to which he agreed.

28 He was then assisted by the members  
29 of the Anti-Gambling Squad and Chief  
30



and this report, but I was satisfied that

it was necessary to do so, and

I therefore did this work and report to

the committee on the subject

and, after some discussion, was directed

to make a further report on the subject

and to report to the committee on the subject

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1 Inspector Graham, but fortunately possibly for him,  
2 he was in a very few weeks after that retainer,  
3 he was appointed as a County Court Judge for  
4 the County of Ontario, which left us without  
5 a prosecuting counsel.

6 After discussing the matter with the  
7 Minister (sic) of Public Prosecutions, I think  
8 it was after the New Year in 1961, Mr.  
9 Gordon Ford was then retained as Crown counsel.

10 Q. Now, to what extent, if any,  
11 did your Department exercise control over the  
12 prosecution and advise on what evidence, if  
13 any, would be put in and so on?

14 A. Well, if an outside Crown counsel  
15 is retained in any matter, we leave the matter  
16 entirely to him. We had no directions in  
17 this particular instance. As far as this  
18 question is concerned, Mr. Ford received  
19 no direction whatsoever from myself or the  
20 Attorney General, to my knowledge, or from  
21 Mr. Bowman, to my knowledge, as to the  
22 conduct of the proceedings, and Mr. Ford  
23 sought none. In other words, he was given  
24 a complete independent operation. I think  
25 there were one or two occasions when he  
26 came to the Department to discuss probably  
27 a matter of law or something of that sort,  
28 but not in any sense of the word did he seek  
29 direction as to what evidence should go in  
30







1 and what evidence should not go in. He was  
2 completely unfettered in his discretion in  
3 the conduct of this prosecution.

4 Q. Then after, did your Department  
5 have anything to do with consideration given  
6 to an appeal?

7 A. Yes, in the month of June, the  
8 first trial received an acquittal of the  
9 three accused. I haven't got the exact date,  
10 I think it was towards the end of June, and  
11 a meeting was convened in my office -- as a  
12 matter of fact, I think the meeting took  
13 place in Mr. Bowman's office, because they  
14 were there when I arrived; and present were --  
15 Mr. Ford, Mr. Bowman, and Mr. Bull and myself.  
16 Now, Mr. Bull's presence there can be  
17 explained because you may recall that there  
18 was a prosecution initiated in respect to an  
19 alleged bribery or attempted bribery, I should  
20 say, of a jury or jurymen at the first trial,  
21 and Mr. Bull had been retained to prosecute  
22 that case, so that explains the reason he  
23 was there. On that occasion, Mr. Ford  
24 brought forward a draft of, a very rough draft  
25 of a notice of appeal. We discussed the  
26 grounds of the appeal and bearing in mind  
27 that -- I am sure you know and the Commissioner  
28 of course knows, that the Attorney General  
29 has grounds to appeal only on a question of law  
30



and the following is a list of the

names of the persons who have

been named in the following

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have been named in the following

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1 alone, and he had no appeal on mixed fact and  
2 law and fact, but it must be a question of law  
3 alone. The grounds of appeal were discussed  
4 and certain criticisms were made and everybody  
5 spoke, I may say, very freely expressing  
6 their views on the matter, and Mr. Ford left,  
7 I think around 5.00 o'clock, and later came  
8 forward with some other revised -- slightly  
9 revised ground of appeal. I might say that  
10 the Attorney General previously had announced  
11 his ~~an~~ intention to appeal. At a later date --  
12 a few days later, I would say, practically  
13 the same notice of the -- the same grounds  
14 of appeal had been engrossed in the former  
15 notice of appeal, with one or two, I might  
16 say, minor changes, and we agreed on these  
17 grounds and the result was that the notice  
18 of appeal were served on the three accused  
19 and filed in the ordinary way. That was in  
20 the month of June, 1961. The long vacation  
21 intervening, the appeal I think was perfected,  
22 if my recollection serves me, as far as the  
23 Court of Appeal is concerned, and some of the  
24 grounds of appeal would have required, as I  
25 recall, considerable affidavit evidence  
26 which might or might not have been permitted  
27 to be used in the Court of Appeal.

28 Mr. Ford, having read the transcript  
29 of this trial, having considered the grounds  
30





1 of appeal, eventually came to the conclusion  
2 that the appeal was not a tenable one and so  
3 advised the Attorney General, and consequently  
4 the appeal was abandoned.

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6 (Page 11735 follows)  
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1 MR. WILSON: Q. I want to turn to  
2 another matter. You did receive, from time  
3 to time, certain complaints by solicitors in  
4 respect to alleged harassment of social clubs  
5 in the Province?

6 A. A great number, Mr. Wilson.

7 Q. And what was your practice in  
8 regard to dealing with such complaints?

9 A. Those complaints fell into two  
10 categories: Verbal and by letter.

11 I listened to the complaints, and I might  
12 say that these complaints were made by Mr.  
13 Herman, who was then apparently acting for  
14 the operators of the clubs in question, the  
15 three clubs.

16 I would listen to Mr. Herman ---

17 THE COMMISSIONER: Who was making  
18 complaints on behalf of the club?

19 A. On behalf.

20 Q. Not against the club?

21 A. On behalf of the clubs; I am sorry,  
22 sir.

23 And to make it short, I paid no attention  
24 to it, and I might have been very discourteous.

25 I think I answered one, if not two;  
26 I remember I answered one letter and pointed  
27 out to him, that is, Mr. Herman, that as long  
28 as these clubs were conducted and maintained  
29 as fortresses, and afforded an obstruction  
30







1 to the police, that he could not complain about  
2 any harrassment, or any police activity at  
3 that time. Again, I might have been most  
4 discourteous, because Mr. Herman wrote a great  
5 number of letters, which I ignored.

6 MR. WILSON: Mr. Commissioner, these  
7 letters are on file.

8 THE COMMISSIONER: Yes, that is right.

9 MR. WILSON: Q. I do not think we  
10 need go into them.

11 Now, what part did you play, in the  
12 meetings, or the consideration that was given  
13 to the issue of three Provincial charters to  
14 the Centre Road, the Frontier and the Roseland  
15 Clubs?

16 A. I was appointed to my present  
17 position, I think it was in - round - round  
18 the 1st of June of 1957. Prior to that time, ---

19 THE COMMISSIONER: As Deputy Attorney-  
20 General?

21 A. Deputy Attorney-General, yes.

22 Q. What date?

23 A. I think it was the 1st or 2nd  
24 of June.

25 Q. 1957?

26 A. 1957.

27 Q. Yes?

28 A. Prior to that time, I cannot  
29 recall any discussion with anyone; either the  
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1 Minister, or Mr. Magone who was then Deputy  
2 Attorney-General, regarding the suggestion  
3 of issue of Ontario charters. Bearing in  
4 mind that prior to that time these clubs  
5 operated, not under charters, as such under  
6 the Dominion; but they were authorized under  
7 Dominion legislation to operate branches.  
8 They were not charters, in the accepted sense  
9 of the word.

10 In the month of July or the latter part  
11 of June of that year, the Attorney-General  
12 sent for me and I went into his office, and  
13 Mr. Louis Herman was there.

14 Q. Don't go too quickly.

15 A. Yes, sir.

16 Mr. Wilson may have that date; I am  
17 sorry, I have not got the exact date.

18 Q. All right.

19 A. I could sense, immediately, that  
20 the atmosphere was quite charged and tense;  
21 and the Attorney-General was quite angry,  
22 probably not at Mr. Herman personally, but  
23 probably through him, at his clients, and  
24 accusing them of hiding behind the Dominion  
25 legislation, when the Ontario charters, if  
26 issued, were restrictive; and if they were not  
27 suspect at all, why did they not come in and  
28 abandon the Dominion authorization and come  
29 under the Ontario charters and he so challenged  
30





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1 Mr. Herman. He said, "If you have nothing  
2 to fear, come under the Ontario charters, with  
3 these restrictive clauses in them, and give  
4 us an opportunity to see, to see what good  
5 faith you are capable of" or words to that  
6 effect.

7 I was sitting there, and Mr. Herman  
8 on that occasion, as I recall, told the Attorney-  
9 General that he would take the matter up  
10 with his clients and advise the Attorney-  
11 General at a later date. And I believe at a  
12 later date he did so advise the Attorney-  
13 General that he received instructions from his  
14 clients to abandon, or renounce the Dominion  
15 charters, if I may call them as such, and  
16 to accept Provincial charters, with the  
17 restrictive clauses.

18 And those charters were issued I believe  
19 on the 26th day of July, 1961.

20 Q. You say they were issued; I  
21 think as I recall Exhibit 11, that they bear  
22 date of July the 5th, but they were delivered ---

23 A. I am sorry, yes. July the 5th.

24 Q. Now, did you have a meeting  
25 with Assistant Commissioner Bartlett and  
26 Sergeant Anderson, at which there was present  
27 Mr. Bowman, where there was a discussion  
28 about these charters?

29 A. Yes. I think it was on July 12th.  
30







1 I might go back for just a moment to  
2 the meeting that took place in the Minister's  
3 office. Mr. Herman was of course very vocal  
4 on that occasion regarding the harassment,  
5 as he put it, of the operations of the Ontario  
6 Provincial Police, and the gambling squad,  
7 and endeavoured, as I recall, to have a  
8 quid pro quo on this matter.

9 But there was no undertaking by the  
10 Attorney-General or myself: That if they came  
11 under Provincial charters, that there would  
12 be any - it was just left that way. It was  
13 a fluid situation, and there was no undertaking.

14 THE COMMISSIONER: Q. You said he wanted  
15 a quid pro quo? I do not follow.

16 A. I am sorry; I think what Mr.  
17 Herman had in mind, was: We will only come  
18 under this Ontario charter if you will dis-  
19 continue the harassment.

20 Q. The harassing?

21 A. But no undertaking was given in  
22 that regard by the Minister or myself.

23 There was a meeting in my office on  
24 July 12th, between the persons that you have  
25 mentioned, Mr. Wilson.

26 MR. WILSON: Q. Yes?

27 A. And I told those present of  
28 the decision of the Minister to bring these  
29 clubs under Provincial charters. And we  
30







1 discussed the question at that time of the  
2 relaxing of this policy of harrassment. And  
3 bearing in mind that at this time we had  
4 tried - we had tried harrassment; we had  
5 tried raids; we had tried undercover men; we  
6 had tried practically everything, to no avail.  
7 The police had never come up with any  
8 evidence, and it was decided at that meeting  
9 that a chance should be given to these people,  
10 without harrassment, which consisted almost  
11 of the taking of names, the picketing outside  
12 these places, the taking of licence numbers,  
13 and exhortations not to go into the premises,  
14 by police, to intended patrons, and discontinue -  
15 to give these people an opportunity to  
16 demonstrate their good faith, if any, in regard  
17 to their decision to come under the Ontario  
18 charters.

19 Q. I show you a document dated March  
20 5th, 1957 - March 5th, 1962, I beg your pardon.  
21 It is the report from Sergeant Anderson, to  
22 Chief Inspector Graham, and part of Exhibit 10.

23 If you will look under date there of  
24 July the 12th; it starts at the bottom of  
25 page 2 ---

26 A. Yes, I have it here, sir.

27 Q. I think he properly describes  
28 in his quotation the persons who were present.

29 A. Yes.  
30



[illegible]



1 Q. And then he goes on to say:

2 "The Attorney-General, Kelso Roberts,  
3 "issued Provincial club charters."

4 A. He did not issue them at all,  
5 of course.

6 Q. That would be inaccurate?

7 A. That is inaccurate.

8 Q. And then he goes on to say:  
9 "Through Sol Gebirtig".

10 What part did Sol Gebirtig have, in this?

11 A. I have not the faintest idea.  
12 Gebirtig, to my knowledge, had nothing to do  
13 with the matter at all. That is completely  
14 inaccurate.

15 Q. Yes. And going further, he  
16 says that the Attorney-General was not at  
17 the meeting. And that is the fact, he was  
18 not.

19 A. The Attorney-General would not  
20 come into my office, to me. I am sure I would  
21 have to go to him.

22 I notice that he mentioned that the  
23 Attorney-General was not there; why he put it  
24 in, I do not know.

25 Q. At the top of the page there he  
26 says:

27 "I was informed at this time -

28 "that the Attorney-General had

29 "seen fit to issue the charters  
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1 "to all three clubs"

2 and he names the three clubs, and then he adds  
3 "without their knowledge".

4 A. I have seen that.

5 Q. What do you say as to that?

6 A. That is completely wrong. I  
7 take it "without their knowledge", that is  
8 without the knowledge of the people at the  
9 meeting?

10 Q. Yes.

11 A. This is so fantastic that it  
12 hardly bears any comment.

13 Of course, I knew that the charters were  
14 issued; Mr. Bowman knew they were issued, and  
15 the inference of this entry to Inspector  
16 Graham is, that this was done behind the back  
17 of the Deputy Attorney-General and the  
18 Director of Public Prosecutions, which is  
19 absolutely wrong.

20 THE COMMISSIONER: Let me see that.

21 THE WITNESS: I cannot understand a  
22 man of Sergeant Anderson's experience ever making  
23 an entry such as that.

24 THE COMMISSIONER: Where is that?

25 THE WITNESS: Right at the top of the  
26 page (indicating).

27 THE COMMISSIONER: I must confess that  
28 up to the moment I did not know that - that the  
29 words "without their knowledge" were there.  
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1 Quite erroneously, I up to now had thought  
2 that what he was complaining about was that  
3 the charters had been issued without the  
4 knowledge of the police. This apparently makes  
5 it plain that he is reporting that the charter  
6 was issued without the knowledge of, or  
7 apart from Mr. Bowman.

8 THE WITNESS: That is how I take it,  
9 sir.

10 MR. WILSON: Q. I have the 1957 diaries  
11 of Sergeant Anderson, Mr. Commissioner. It  
12 contains what appears on page 2 - it contains  
13 no reference of the kind that we find on page 3.  
14 I will have it for you in a moment.

15 Now, following that meeting I take it  
16 that to your knowledge surveillance and raids  
17 were carried out on these three clubs, which  
18 we have heard about in evidence here?

19 A. There were no restrictions what-  
20 ever, placed on the Anti-gambling squad or  
21 the Provincial Police regarding raids and  
22 surveillance and observation. And that is  
23 I think demonstrated by another exhibit where  
24 Sergeant Anderson said that raids were to  
25 continue without referring the matter to anybody.

26 Q. Yes. I think we have had the  
27 directive from Commissioner McNeil, to the  
28 three districts concerned, to that effect.

29 A. That is so.  
30





1. The first section of the report deals with the general situation of the country and the progress of the work during the year.

2. The second section deals with the progress of the work during the year.

3. The third section deals with the progress of the work during the year.

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15. The fifteenth section deals with the progress of the work during the year.

16. The sixteenth section deals with the progress of the work during the year.

17. The seventeenth section deals with the progress of the work during the year.

18. The eighteenth section deals with the progress of the work during the year.

19. The nineteenth section deals with the progress of the work during the year.

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25. The twenty-fifth section deals with the progress of the work during the year.

26. The twenty-sixth section deals with the progress of the work during the year.

27. The twenty-seventh section deals with the progress of the work during the year.

28. The twenty-eighth section deals with the progress of the work during the year.

29. The twenty-ninth section deals with the progress of the work during the year.

30. The thirtieth section deals with the progress of the work during the year.



1 Q. And then, you recall in the fall  
2 of that year - possibly before I come to that:  
3 I do not know whether we need file that, but  
4 it is clear that the last portion of the report  
5 is based on the diary notation; this particular  
6 diary has not been entered.

7 THE COMMISSIONER: Let me see that.

8 (Handed)

9 The point you are making is that there  
10 is nothing in the diary that they have been  
11 issued without the knowledge of Mr. Common or  
12 Bowman?

13 MR. WILSON: That is right.

14 THE COMMISSIONER: That is 275.

15  
16 ---EXHIBIT NO. 275: Diary of Sergeant Anderson,  
17 including notation dated  
18 July 12th, 1957.

19 THE COMMISSIONER: I am sorry, I did not  
20 make a note of the date of that?

21 MR. WILSON: July the 12th, 1957.

22 THE COMMISSIONER: July what?

23 MR. WILSON: The 12th.

24 THE COMMISSIONER: All right.

25 MR. WILSON: Q. Do you recall a meeting  
26 in the fall of 1957, in October, where discussion  
27 took place in regard to the Roseland Club?

28 A. Yes, I do.

29 Q. And who were present at that  
30 meeting?



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1 A. Oh, Inspector Ramsbottom; District  
2 Inspector Ramsbottom; Sergeant Hatch from  
3 that district; Inspector Hand from District  
4 No.5, and I think Inspector Marsland.  
5 Commissioner McNeil, Deputy Commissioner Bartlett.  
6 I am not sure whether Mr. Bowman was present  
7 on that occasion or not, and myself. There  
8 may have been one other there; I am not sure.

9 Q. Briefly, what decisions were  
10 arrived at, so far as the results were con-  
11 cerned?

12 A. The purpose of the meeting as I  
13 recall was to the effect that Sergeant Hatch,  
14 now Inspector Hatch, was contemplating, of  
15 course, a raid on this club. He had at that  
16 time an informant in mind; he sought permission,  
17 I take it, from me, to discontinue making  
18 any reports as to his activities in regard  
19 to the Roseland Club, to Headquarters, giving  
20 as his reason that he was suspicious that  
21 there was a leak somewhere along the line  
22 in regard to tip-offs. Also, that he had  
23 in mind an informant, whose name he did not  
24 wish to divulge, even to his Commissioner.  
25 I remember quite well I said, "I do not want  
26 to know it either".

27 The result of that meeting was that  
28 I, as Deputy Attorney-General, instructed him  
29 that he was not required, in this particular  
30

[illegible]





1 case, having regard to surrounding circumstances,  
2 and so on - that he was not required to make  
3 any reports, written reports, to Headquarters;  
4 and that he must not divulge the names of  
5 this witness, or informant, to anyone, not  
6 even to his Commissioner; and I said I did  
7 not want to know it myself. And I did not  
8 know the name of the informant until after  
9 the trial.

10 I also told him - I said, "Do not  
11 divulge the name to the Crown Attorney even."  
12 Not that I had no great faith in him; I had  
13 the greatest faith in him - but to have  
14 the greatest, I said, "Do not give the name  
15 of that informant to the Crown Attorney until  
16 a minute or so before he is put in as a  
17 witness". And that was accordingly done.  
18 And that was the purpose of that meeting,  
19 and the result of it.

20 Q. Now, we have had evidence that  
21 one of the persons present at that meeting,  
22 at the end of the meeting made some inquiry  
23 of Hatch as to what he had, so far as informants  
24 were concerned.

25 A. Yes. I was here, in the  
26 Commission room, when that evidence was given.  
27 I cannot recall any -- I do not think it  
28 was in my office, or I think I would have  
29 recalled it. It must have been in the hallway,  
30







1 or something of that sort.

2 I feel quite confident, in view of  
3 what I had directed a few minutes before -  
4 I feel quite confident, confident that that  
5 never took place in my office.

6 Q. I want to lead your attention  
7 to the steps leading up to the cancellation  
8 of the Centre Road Veterans Club Charter; and  
9 I understand you had something to do with  
10 the decision that was made in that regard?

11 A. Yes, sir.

12 Q. What was your part in that?

13 A. In February -- I think it was  
14 in February of 19 -- in February of 1960,  
15 Mr. Cadney, the Deputy Provincial Secretary  
16 held an inquiry under his legislation, calling  
17 on the owners or operators of the Centre Road  
18 Club to show cause why their charter should  
19 not be cancelled, having regard to the alleged  
20 violation of the restrictive clauses.

21 That inquiry proceeded. I believe  
22 the reporter got ill or something; I know there  
23 was some difficulty in getting the transcript.  
24 I knew that I got Volume 2, and I never got  
25 Volume 1, due to the illness of the reporter.  
26 And it was some weeks before I was tendered  
27 Volume 1. And then I considered the entire  
28 evidence which had been taken by Mr. Cadney;  
29 and counsel were there representing the club.  
30







1 As for the Department, I think we had Mr.  
2 Frank Wilson sitting in with a watching brief,  
3 for our department.

4 I read the evidence very carefully and  
5 considered the matter and I made a report.

6 Q. Is this the report (indicating)?

7 A. I know it was a lengthy report;  
8 yes, this is it (indicating).

9 I made a lengthy report to the Attorney-  
10 General on the 27th day of April, 1960.

11 This is an eight-page report.

12 MR. WILSON: Mr. Commissioner, that  
13 report is not in evidence.

14 THE REGISTRAR: 276.

15  
16 ---EXHIBIT NO. 276: Report of W.B. Common, Esq.,  
17 Q.C. to the Attorney-General,  
dated 27th April, 1960.

18  
19 THE WITNESS: May I see that original  
20 for just a minute? Thank you. (Handed to  
21 the witness)

22 In that report I had reviewed the evidence  
23 taken before Mr. Gudney, on the so-called  
24 application. I came to the conclusion that  
25 there was violation in regard to the non-  
26 compliance with the membership requirement;  
27 there was non-compliance with regard to the  
28 existence of a bolt which might have been used  
29 as an obstruction for the police to gain  
30 entrance to the premises.







1 I concluded that they had violated -  
2 I concluded they had violated the restrictive  
3 clause in their charter, and recommended, I  
4 think to the Attorney-General, that he should  
5 in turn recommend to the Provincial Secretary  
6 the cancellation of the charter.

7 I wish to make this observation, if I  
8 may, sir: This report is dated the 27th day  
9 of April, 1961 - 1960, I beg your pardon. It  
10 must be borne in mind that the investigation  
11 by Constable Scott was at a critical stage at  
12 this time, and I deliberately withheld this  
13 report going to my Minister, until such time  
14 as Constable Scott's investigation was concluded,  
15 or nearing conclusion, because I did not want  
16 some cancellation proceedings taking place  
17 in regard to a charter of a club, with regard  
18 to which an undercover investigation was going  
19 on. And I do not think this reached the  
20 Minister for some weeks afterwards.

21 Q. Before coming to that, I see that  
22 on page 7 you deal with Mr. Harman and Mr.  
23 Harman was acting for the clubs on these  
24 hearings we have been told; and that he was  
25 contending that a conviction was the only  
26 basis upon which a cancellation should proceed;  
27 and you deal with that contention, and report  
28 against it.

29 A. That is so, sir, yes.  
30





1. The first part of the report deals with the general situation of the country and the progress of the work of the Commission. It is divided into two main sections: the first section deals with the general situation of the country and the second section deals with the progress of the work of the Commission.



1 Q. And just to sum up, at the bottom  
2 of page 7 you say, in view of the overall  
3 picture:

4 "It is my opinion and recommendation  
5 "that you should advise the Honourable,  
6 "the Provincial Secretary to take  
7 "the appropriate action for the  
8 "cancellation of this charter for  
9 "branches of conditions 1, 2 and 3  
10 "above set out."

11 A. Yes.

12 Q. Now, I think there was a  
13 document, Exhibit 53, which will help us to  
14 establish the time when the decision of your  
15 Department went forward to Mr. Gudney.

16 A. Yes, sir.

17 MR. WILSON: Would you give that to  
18 the witness. (Handed to witness)

19 THE WITNESS: This is a letter dated  
20 May the 30th, 1960, addressed to Mr. Gudney,  
21 and signed by myself.

22 MR. WILSON: Q. Then on page 3 of  
23 that exhibit ---

24 A. Yes.

25 Q. -- there is a written notation.  
26 In whose handwriting is that?

27 A. Well, it is on the copy, Mr.  
28 Wilson.

29 Q. On the copy?







1 A. Yes, on the copy.

2 Q. What does it say?

3 A. There is a notation in ink, dated  
4 the 3rd day of June, 1960, signed by the  
5 Attorney-General, reading as follows:

6 "Mr. Common, I approve of your  
7 "recommendation. A.K. Roberts, A.G."

8 THE COMMISSIONER: What date was that?

9 MR. WILSON: The 3rd of June.

10 THE WITNESS: The 3rd of June, sir, 1960.

11 THE COMMISSIONER: Your report to him  
12 was dated -- ?

13 THE WITNESS: My original report was  
14 April 27th.

15 THE COMMISSIONER: You withheld it?

16 A. Sir, yes, I withheld it for the  
17 reasons stated.

18 Q. Yes?

19 A. I might point out my report to-  
20 Mr. Gudney is dated the 30th day of May. Mr.  
21 Commissioner, that is two days after the arrest  
22 of Wright.

23 Q. The report to Gudney?

24 A. My report to Gudney, recommending  
25 the cancellation of the charter, two days  
26 after the arrest of Wright.

27 Q. I see.

28 MR. WILSON: Mr. Commissioner, I am  
29 going to turn to a new point. I will not  
30





1 be very much longer with this witness, but  
2 it will be another matter.

3 THE COMMISSIONER: Two-fifteen.

4  
5 ---Whereupon the hearing recessed.

6  
7 (Page 11753 follows)





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1 ---On resuming at 2.20 p.m.

2  
3 ---The witness resumed the stand.

4 MR. WILSON: Q. We have as evidence by  
5 Magistrate Frederick Thompson about a meeting,  
6 or what he said were meetings, with you in  
7 regard to a telephone call from a person who  
8 identified himself as James Maloney. Do you  
9 recall the incident?

10 A. Yes, I do, Mr. Wilson. I heard  
11 Magistrate Thompson's evidence. My recollection  
12 was that I only had one visit from Magistrate  
13 Thompson. It might have been two. If he  
14 says it was two, I don't disagree with him,  
15 but my recollection was that it was just  
16 one. My recollection is that he telephoned  
17 me first and said he had an important matter  
18 to discuss with me and he came up to the  
19 office and he told me that on the date in  
20 question -- I don't think he pinpointed an  
21 exact date, it was either in March or April  
22 of that year, 1959 I believe it was -- that  
23 he had received a telephone call in the  
24 morning from an individual who identified  
25 himself as the late James Maloney. He  
26 told him that he was interested in the case  
27 because his brother Arthur was defence counsel.  
28 I think he asked at that time how was the  
29 case going. I asked Magistrate Thompson at  
30

[illegible]





1 what stage of the case this alleged conversation  
2 took place and my recollection is that either  
3 all the evidence was in and he had reserved  
4 judgment, or most of the evidence was in and  
5 he had reserved judgment on some point raised  
6 in a motion, but I think my better recollection  
7 is that the evidence was in and he had reserved  
8 judgment. I asked him whether he was  
9 certain beyond any peradventure it was  
10 Maloney's voice -- Mr. Maloney's voice --  
11 and he wasn't positive, definitely. And I  
12 said to him, "Can you honestly deliver  
13 judgment in this case without fear or favour?",  
14 and he said he thought he could, and I said,  
15 "Go ahead."

16 Now, my recollection is that it was on  
17 that occasion that I took him into the  
18 Attorney General. I thought the matter, of  
19 course, was important and it should be  
20 reported. His evidence before here is that  
21 he left my office and I called him back at  
22 a later date. He may be right in that.  
23 As I say, I have no recollection of that.  
24 In any event, when he did come back -- went  
25 into the Minister's office -- he again  
26 related the same story to the Minister that  
27 he had related to me. The Attorney General  
28 questioned him as to the identification of  
29 the voice and Magistrate Thompson was not any  
30

[illegible]





1 too definite that it was Mr. Maloney.

2 Now, I know his evidence here was that he  
3 was quite definite before this Commission, but  
4 he did admit before the Minister and myself  
5 that there was a possibility he might have  
6 been mistaken, and the Attorney General asked  
7 him whether, in terms similar to my question,  
8 whether he felt he could decide the case.  
9 He said he could and he was instructed then  
10 to proceed with the case.

11 Q. In his evidence he said that at  
12 the time he met with the Attorney General and  
13 yourself he felt slightly intimidated, said  
14 there was a feeling of oppression in the  
15 room.

16 A. Well, I don't know how he got  
17 that impression because there was no intimidation  
18 of the Magistrate, of Magistrate Thompson on  
19 that occasion. The Minister questioned him  
20 quite closely in regard to his recollection  
21 and as to his determination whether this  
22 was Mr. Maloney or not, and at that time he  
23 was not as definite by any means as to the  
24 identification of Maloney's voice as he was  
25 before this Commission.

26 Q. And I think we were told by the  
27 Magistrate that he proceeded to give judgment  
28 in that case and convicted the accused.

29 A. That is right. I further under-  
30





1944. I have 12 copies of the book for sale.



1 stand at a later time that the Attorney General  
2 spoke to the late Mr. Maloney who denied the  
3 incident. And then I think it was in evidence  
4 here, Mr. Commissioner, that Mr. Maloney later  
5 gave a press release denying the whole matter.

6 MR. WILSON: I think that is all, thank you.

7 THE COMMISSIONER: Any questions, Mr.  
8 Rose?

9 MR. ROSE: I have no questions, thank you,  
10 sir.

11 THE COMMISSIONER: Mr. Lawlor? Who  
12 goes first?

13 MR. MACKINNON: I am prepared to go.

14 THE COMMISSIONER: It doesn't matter to  
15 me which way you go.

16  
17  
18  
19  
20  
21 EXAMINED BY MR. MACKINNON:

22 Q. Mr. Common, I believe you said  
23 this morning that with regard to Mr. Herman's  
24 complaint you "paid no attention to them",  
25 were the words I took down, and you may indeed  
26 have been discourteous to them. Is that a  
27 fair summation?

28 A. Discourteous in not answering  
29 the numerous letters he sent in.  
30



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1 Q. The first exhibit that Mr. Wilson  
2 has put in in this connection that I can find  
3 is Exhibit 92, a letter of July 29th, 1954,  
4 written to the Commissioner of Police for  
5 Ontario complaining about actions of the  
6 police at the Roseland Club, you know, in  
7 Windsor, and concluding by saying:

8 "Following your letter to us  
9 "of the 9th instant, as stated,  
10 "we had been prepared and instructed  
11 "not to pursue the matter further.  
12 "The position is now changed and we  
13 "are forwarding copies of the  
14 "correspondence, including this  
15 "letter to the Attorney General  
16 "so that he may look into this  
17 "matter and take such action as is  
18 "undoubtedly warranted by the above."

19 Now, turning to Inspector Tomlinson's  
20 diary which is Exhibit 34 -- that letter, to  
21 refresh your lordship, is dated July 29th,  
22 1954 -- on August 3rd, 1954 -- there was a  
23 week-end intervened there -- Inspector  
24 Tomlinson says:

25 "Received notice from Mr. Common,  
26 "no more raids by squad at Windsor  
27 "until further notice."

28 Now, what can you tell us about that?

29 A. I recall that, not vividly, but it  
30



OE





1 does recall something to me. What happened,  
2 the incident in question I recall had to do  
3 with the Anti-Gambling Squad breaking the  
4 windshield of the car which was alleged to  
5 contain the look-out. I think it was the  
6 son of Gardner or Finnigan was sitting in  
7 the car. He was dragged out of the car and  
8 the story, as I recollect, required  
9 hospitalization. I thought a cooling-off  
10 period for a few days might be in order  
11 and that is the reason that directive was  
12 sent out, that suggestion was sent out.

13 Q. I don't think this letter refers  
14 to Finnigan being attacked.

15 A. Well, I may have the incident  
16 confused, Mr. MacKinnon.

17 Q. Robert Gardner.

18 A. Gardner was in hospital, too,  
19 apparently, at the same time as a result of  
20 the raids.

21 Q. This is the allegation. Did  
22 you check these allegations before you gave  
23 these instructions to Mr. Tomlinson?

24 A. I can't recall. I know that --  
25 I'll say this, that there is, I think it is  
26 in evidence, a report received from a  
27 doctor in Windsor, as to the injuries received  
28 by this lad and possibly Gardner.

29 Q. Well, I don't recollect it.



[illegible]



1 THE COMMISSIONER: Q. We haven't had it  
2 here.

3 A. Well, there is some evidence to  
4 that effect.

5 MR. WILSON: 178-A.

6 THE WITNESS: The matter was investigated.

7 MR. WILSON: Not from the doctor.

8 THE WITNESS: There is evidence.

9 MR. MACKINNON: Maybe you could tell us  
10 the date of that document?

11 MR. WILSON: The first one is 178-A,  
12 July 7th, 1954.

13 MR. MACKINNON: This is before the letter.

14 MR. WILSON: The second, 178-C, is  
15 July -- it's hard to make out.

16 MR. MACKINNON: That is the letter I  
17 have just read, I believe. Yes, that is the  
18 letter I have just read.

19 MR. WILSON: That is right.

20 MR. MACKINNON: Q. Then Sergeant Anderson  
21 advises us -- and this is in his diary -- that  
22 on May the 25th ---

23 THE COMMISSIONER: What exhibit?

24 MR. MACKINNON: Exhibit 69, a diary  
25 for 1956, that he was instructed to -- and it  
26 is "Re gambling houses".

27 THE COMMISSIONER: What date?

28 MR. MACKINNON: May 25th, 1956:

29 "Gambling houses, execute warrants

30 "only on complaints. Discontinue



1. The first part of the report is devoted to a general survey of the situation in the country.

2. The second part is devoted to a detailed examination of the various branches of industry.

3. The third part is devoted to a detailed examination of the various branches of agriculture.

4. The fourth part is devoted to a detailed examination of the various branches of commerce.

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10. The tenth part is devoted to a detailed examination of the various branches of philosophy.

11. The eleventh part is devoted to a detailed examination of the various branches of law.

12. The twelfth part is devoted to a detailed examination of the various branches of medicine.

13. The thirteenth part is devoted to a detailed examination of the various branches of engineering.

14. The fourteenth part is devoted to a detailed examination of the various branches of architecture.

15. The fifteenth part is devoted to a detailed examination of the various branches of music.

16. The sixteenth part is devoted to a detailed examination of the various branches of painting.

17. The seventeenth part is devoted to a detailed examination of the various branches of sculpture.

18. The eighteenth part is devoted to a detailed examination of the various branches of literature.

19. The nineteenth part is devoted to a detailed examination of the various branches of history.

20. The twentieth part is devoted to a detailed examination of the various branches of philosophy.

21. The twenty-first part is devoted to a detailed examination of the various branches of law.

22. The twenty-second part is devoted to a detailed examination of the various branches of medicine.

23. The twenty-third part is devoted to a detailed examination of the various branches of engineering.

24. The twenty-fourth part is devoted to a detailed examination of the various branches of architecture.

25. The twenty-fifth part is devoted to a detailed examination of the various branches of music.

26. The twenty-sixth part is devoted to a detailed examination of the various branches of painting.

27. The twenty-seventh part is devoted to a detailed examination of the various branches of sculpture.

28. The twenty-eighth part is devoted to a detailed examination of the various branches of literature.

29. The twenty-ninth part is devoted to a detailed examination of the various branches of history.

30. The thirtieth part is devoted to a detailed examination of the various branches of philosophy.





1 "trying to get officers in for time  
2 "being."

3 Q. Do you remember, did those instructions  
4 come from your office?

5 A. No, they did not, Mr. MacKinnon.  
6 That has reference to a meeting that took  
7 place between the Attorney General, Commissioner  
8 McNeill, on May the 25th, and I am not sure  
9 who the third party was. I was not at that  
10 meeting.

11 Q. I see it says here: "With  
12 Commissioner E.V. McNeill to Attorney General's  
13 Department, K. Roberts, re gaing."

14 A. That's right.

15 Q. So Anderson, McNeill and Roberts,  
16 and maybe some one else?

17 A. I don't know. There might have  
18 been some others. I was not there, sir.

19 Q. You were not aware of the reasons,  
20 then, for those instructions being given?

21 A. I learned subsequently the reason  
22 for the instructions, those instructions if  
23 they could be termed such. The evidence  
24 indicates multiple raids over a protracted  
25 period of time, the effort to get undercover  
26 men in, and, as I understand it, they felt  
27 that they might lull these people into a  
28 sense of probably false security if there  
29 was probably a slight let-up of the activities.  
30



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1 Now, I hope I am stating it correctly. I was not  
2 at the meeting, but I think that is what it  
3 was.

4 Q. Well, the reference was to executing  
5 warrants only on complaints. To your recollection  
6 was there ever any complaint received about  
7 these clubs?

8 A. There were complaints received  
9 from anonymous letters that reached the  
10 Department on a few occasions and I think  
11 that would be ---

12 Q. Would be the extent?

13 A. --- the extent of the complaints,  
14 yes. They were very few, I might say.

15 Q. Yes, we have been advised they  
16 didn't believe there were any complaints.

17 A. I think there was occasionally  
18 an anonymous letter would come in and  
19 complaining about the operation of the Centre  
20 Road and I think I do recollect one coming  
21 in regarding one at Roseland, but they were  
22 very, very few.

23 Q. Then coming forward to 1957,  
24 did I understand you correctly that in June  
25 and July, 1957, prior to the issuance of  
26 provincial charters, you were under no  
27 illusions as to what these clubs were doing?

28 A. They were suspect.

29 Q. And you also said that at that  
30





*[Faint, illegible text]*



1 stage raids and harassments were to no avail,  
2 is that correct?

3 A. That is so, sir. In our opinion.

4 Q. Now, I have here Exhibit 75 which  
5 is a memorandum to yourself dated June the 5th,  
6 1957, and it is part of a series of memoranda  
7 dealing with the gambling activities in the  
8 Bertie Township club, the Windsor -- that is  
9 the Roseland Club -- and the Centre Road  
10 Veterans Club. It deals ---

11 THE COMMISSIONER: What are you reading  
12 from?

13 MR. MACKINNON: Exhibit V5, a memorandum  
14 to the Deputy Attorney General from the  
15 Commissioner of Police.

16 THE WITNESS: What year is that, again?

17 MR. MACKINNON: Q. 1957, just at the  
18 time these people were seeking the new  
19 charters.

20 A. Yes.

21 THE COMMISSIONER: Memo from whom?

22 MR. MACKINNON: The Commissioner of Police  
23 McNeill, E.V. McNeill.

24 THE COMMISSIONER: To whom?

25 MR. MACKINNON: To this witness, the Deputy  
26 Attorney General, and he says there was a raid  
27 on the premises of the Bertie Township club  
28 on June 3rd, 1957, at which time only four  
29 men were present playing cards, and then he  
30

[illegible]





1 goes on to say:

2 "There were no other activities and our

3 "personnel did not experience any

4 "difficulty or delay in gaining

5 "access to the building. Since that

6 "date constant observations have

7 "been maintained daily but there has

8 "been a noticeable lack of activity

9 "and there have been no persons

10 "visiting the premises or autos

11 "parked on the adjacent lot.

12 "Daily checks will be maintained in

13 "accordance with <sup>the</sup> departmental

14 "policies."

15 Then he goes on to report on the Roseland Club.

16 He says there had been no raids on this club

17 since April 25th, 1957:

18 "Owing to the fact that there have

19 "been no activities whatsoever.

20 "A corporal and a constable have

21 "maintained close observations

22 "every night and there has been

23 "insufficient evidence of activity

24 "to justify further raids. With

25 "the exception of the staff there

26 "have been no visitors to this

27 "establishment."

28 Q. Now, Mr. Common, so far as those  
29 two clubs are concerned, wasn't the policy of  
30





1 harassment rather effective?

2 A. I am not in a position to answer  
3 that, Mr. MacKinnon.

4 Q. Didn't that report indicate to you  
5 that those two clubs weren't thriving at  
6 least?

7 A. The report indicated there was  
8 no activity in those two clubs. Whether it  
9 was as a result of the harassment of the  
10 Ontario Provincial Police or a falling off  
11 of patronage, I don't know.

12 Q. Well, Mr. Herman in his evidence  
13 advised us that his clients felt something  
14 had to be done because clientele was  
15 dropping off drastically and what had had  
16 to be done, I gather, it was to secure new  
17 charters. Now, on that occasion we also

18

19

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(Page 11759 follows)

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1 have, of course, the evidence of Mr. Gardner.

2 A. Mr. MacKinnon, may I interrupt you?

3 Q. Yes?

4 A. Did you say Mr. Herman sought the  
5 charter?

6 Q. He put it, something had to be  
7 done.

8 A. I fail to know any evidence of Mr.  
9 Herman asked for charters.

10 THE COMMISSIONER: I am a little confused,  
11 Mr. MacKinnon. You were suggesting to the  
12 witness the constant harassment had reduced  
13 them to the point where they weren't getting  
14 much business?

15 MR. MacKINNON: Yes.

16 THE COMMISSIONER: And something had to  
17 be done because they weren't getting much  
18 business?

19 MR. MacKINNON: That is right.

20 THE COMMISSIONER: Who said that?

21 MR. MacKINNON: 6806, Mr. Herman's evidence,  
22 line 26, and that is Volume 32.

23 "Didn't your clients tell you --- "  
24 This is a question --

25 " --- that it was important something  
26 "bygone, that they were going to go  
27 "out of business?

28 "A. They did not use those words,  
29 "but it was important something be  
30



...of course, I am not a doctor...

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"done, of course.

"THE COMMISSIONER: Who told you that?

"A. In the course of a half dozen

"conversations, my lord, but --

"McDermott had told me that, Vesley

"had told me that, Mr. McLaughlin,

"Mr. Gardner Senior, Mr. McKay,

"and there was some people that

"reported that from some of the

"incidents in Cooksville. I just

"cannot remember who they were.

"THE COMMISSIONER: Something had to

"be done as they were dying a slow

"death?

"A. Members did not want to come

"out to the club because of the

"police there."

Q. Then in that connection, the issuance  
of the charters, was any investigation made with  
the Central Command of this Veterans Association  
to see what they were doing about these  
branches at that time?

A. Possibly not at that time, but  
during the regime of Mr. Magone, my predecessor,  
I think a Mr. McGovern, or McGovern -- a name  
similar to that, a lawyer in British Columbia,  
in Vancouver -- who held I think the  
presidency of the Army, Navy and Veterans  
Association, was sent to Toronto and he was



1944

January 1944

The following is a list of the names of the persons who have been  
admitted to the membership of the Society since the last  
meeting. The names are given in alphabetical order of the  
surnames. The names of the persons who have been admitted  
since the last meeting are given in italics. The names of the  
persons who have been re-elected are given in bold type. The  
names of the persons who have been elected to the office of  
President are given in bold type. The names of the persons  
who have been elected to the office of Secretary are given in  
bold type. The names of the persons who have been elected to  
the office of Treasurer are given in bold type. The names of  
the persons who have been elected to the office of Librarian are  
given in bold type. The names of the persons who have been  
elected to the office of Editor are given in bold type. The  
names of the persons who have been elected to the office of  
Member-at-Large are given in bold type. The names of the  
persons who have been elected to the office of Correspondent are  
given in bold type. The names of the persons who have been  
elected to the office of Honorary Member are given in bold  
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office of Life Member are given in bold type. The names of  
the persons who have been elected to the office of Patron are  
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elected to the office of Vice-President are given in bold  
type. The names of the persons who have been elected to the  
office of President-Elect are given in bold type. The names  
of the persons who have been elected to the office of Secretary-  
Elect are given in bold type. The names of the persons who  
have been elected to the office of Treasurer-Elect are given in  
bold type. The names of the persons who have been elected to  
the office of Librarian-Elect are given in bold type. The  
names of the persons who have been elected to the office of  
Editor-Elect are given in bold type. The names of the persons  
who have been elected to the office of Member-at-Large-Elect  
are given in bold type. The names of the persons who have  
been elected to the office of Correspondent-Elect are given in  
bold type. The names of the persons who have been elected to  
the office of Honorary Member-Elect are given in bold type.  
The names of the persons who have been elected to the office  
of Life Member-Elect are given in bold type. The names of  
the persons who have been elected to the office of Patron-Elect  
are given in bold type. The names of the persons who have  
been elected to the office of Vice-President-Elect are given in  
bold type. The names of the persons who have been elected to  
the office of President-Elect are given in bold type.

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1 advised of our suspicions and a great deal of the  
2 material that we had in our possession was  
3 revealed to him, and my recollection is that --  
4 Mr. Hagone probably can testify more  
5 accurately as to this -- that after they had  
6 considered the matter that they found nothing  
7 wrong, so we came to the conclusion we could  
8 expect no hope or no help from the Dominion  
9 Command.

10 Q. That, according to the evidence  
11 we have had, was I believe in 1955.

12 A. It was some time prior.

13 Q. I am talking about two years  
14 later.

15 A. I don't think so, I don't think  
16 so. Not to my knowledge, in any event.  
17 There might have been but I am not aware of  
18 any.

19 Q. Mr. Gardner, when he was asked  
20 about the possibility of losing his charter,  
21 and the necessity of getting a new one,  
22 losing his charter by virtue of some action  
23 taken by Central Command, he said certainly  
24 that it was a very real possibility, there  
25 was talk of that, and the question I asked  
26 him:

27 "All right; so this was to make

28 "sure that you had a bird in the hand ---"  
29 I guess I meant the Provincial charter --  
30





THE UNIVERSITY OF CHICAGO



1 " --- namely, a provincial charter?

2 "A. I am going to answer that question

3 "by saying we wanted to stay in

4 "business.

5 "Q. And this was the way you were

6 "going to do it, get the provincial

7 "charter and stay in business?

8 "A. I would say that is practically

9 "right."

10 MR. MACKINNON: Now, that is page 1992.

11 THE COMMISSIONER: 1992?

12 MR. MACKINNON: 1922.

13 THE WITNESS: As I recall, Mr. Mackinnon,

14 that is a condition precedent and that was

15 imposed I think by Mr. Cudney, a condition

16 precedent to the issuance of the Ontario

17 charters, that they were not to take any

18 action of establishing club rooms, as I

19 recall it, in respect to the Dominion charter

20 they would not be asked to surrender. And

21 I don't know whether those charters are

22 still in existence. They are not charters,

23 they are authorities. I use the word

24 "charters" ---

25 MR. MACKINNON: Licences?

26 A. --- in a loose sense, but it was

27 very well understood they were not to operate

28 under the Dominion authorities.

29 Q. No, but what I am putting to you,

30



20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854.





1 did you have any information that quite apart  
2 from any act on your part, of the Attorney  
3 General, they were going to lose their  
4 licences?

5 A. None whatever.

6 Q. And there was no investigation  
7 made of that?

8 A. There was no investigation although  
9 I understand that Anderson, I understand, said  
10 that he had gone to Ottawa, I think around  
11 1958, and made some investigation and got  
12 some assurance that some individual when he  
13 became president was going to cancel these  
14 authorities. That was Sergeant Anderson's  
15 diary or letter.

16 THE COMMISSIONER: Q. At the time of  
17 the issue of the provincial charters the  
18 Attorney General's Department, as I under-  
19 stand your evidence now, had no indication  
20 these licences -- whatever you want to call  
21 them -- from the Dominion Command were in  
22 jeopardy?

23 A. None whatever, sir.

24 MR. MACKINNON: Q. Did it surprise you  
25 these people were willing to give up their  
26 licence and accept a provincial charter?

27 A. It did.

28 Q. Was there any explanation given  
29 to you as to why they would do this?  
30





1 A. No. This was a request by the  
2 Attorney General. He challenged, as I said  
3 this morning, he challenged Mr. Herman if his  
4 client had nothing to hide, they should have  
5 no compunction whatever in coming under  
6 provincial jurisdiction.

7 Q. Incidentally, so far as the  
8 Criminal Code is concerned would it make any  
9 difference whether they had a provincial  
10 or federal charter?

11 A. No, it wouldn't, except that  
12 the Ontario charters, of course, with the three  
13 clauses, were of a highly restricted nature.

14 Q. I am talking about the Criminal  
15 Code.

16 A. If they were a duly incorporated  
17 social club it would make no difference.

18 THE COMMISSIONER: Q. That is not the  
19 whole picture. If they were operating under  
20 a provincial charter -- you were boss of  
21 your own house, so to speak -- you could  
22 impose such conditions as you thought were  
23 advantageous?

24 A. That is right, sir.

25 Q. To that extent it did make a  
26 difference whether they had a provincial  
27 charter?

28 A. It did. I thought Mr. Mackinnon  
29 was excepting the three restrictive clauses.  
30





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1 MR. MACKINNON: Yes, I prefaced my question  
2 on the Criminal Code.

3 THE COMMISSIONER: I am not questioning  
4 that, Mr. Mackinnon. I am saying that so long  
5 as these restrictions were made part of the  
6 original charter, it did make a difference.

7 MR. MACKINNON: Q. Now, I think maybe  
8 it comes in in time. In your interview  
9 with Magistrate Thompson, do you know the  
10 year?

11 A. Magistrate Thompson said the  
12 incident took place in March or April of 1959  
13 and I take it -- I made no diary entry  
14 myself or made no memorandum at the time --  
15 but I would fancy it was in April, 1959,  
16 around that time.

17 Q. Magistrate Thompson in his  
18 evidence at page 4674 said that you intimated  
19 to him that Maloney, that is Mr. James  
20 Maloney, had been in the hair of the  
21 Department, as I recall his phrase, for  
22 some time. Did you make a statement to  
23 that effect?

24 A. I may have made it, Mr. Mackinnon.  
25 I don't know. I won't deny it.

26 Q. Would it have been true if you  
27 had made it?

28 A. Mr. Maloney was a pretty forthright  
29 defence counsel and, I might say, he left very  
30



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[illegible]

... and ...

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1 few stones unturned in the interests of his clients  
2 and it may well have been. I might say this,  
3 as far as the matters under investigation by  
4 this Commission in regard to gambling, I must  
5 say in fairness to the late Mr. Maloney he  
6 never approached me once in connection with  
7 the gambling charges or anything associated  
8 with it.

9 Q. In connection with these gambling  
10 clubs?

11 A. No, sir. He never importuned  
12 me at any time. Probably with this exception,  
13 he might pass in the hall and say, "How is  
14 the case going?", or something like that,  
15 but beyond that, no.

16 Q. Were you advised at the time  
17 that it happened when the cancellation of the  
18 Centre Road Vets Club charter was being  
19 considered that Mr. Maloney, according to  
20 Mr. Cudany, had telephoned Mr. Cudney?

21 A. I don't recall that.

22 Q. Mr. Maloney did not, I take it,  
23 then, make a similar plea to you?

24 A. No, sir, he did not. Most  
25 emphatically no.

26 THE COMMISSIONER: Q. Perhaps he knew  
27 you too well?

28 A. I have no, sir.

29 MR. MACKINNON: Q. Do you know whether  
30



the first meeting in the history of the nation

and to say that I am not a Jew.

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1 he made any such plan to any one else in the  
2 Department?

3 A. I have no knowledge of that, sir.  
4 The first intimation I had of Mr. Cudney's  
5 experience was what I heard in this  
6 courtroom.

7 Q. Now, you stated -- I believe  
8 maybe I omitted it -- that in regard to your  
9 issuing of the new charters, or the approval  
10 of them, in 1957, to these three gambling  
11 clubs that Herman was suggesting a quid pro quo,  
12 as it were, for them giving up something  
13 they had?

14 A. That was discussed, yes.

15 Q. And you say there was no such  
16 undertaking, I believe was the word you  
17 used, given? Is that correct?

18 A. I would say that there was no  
19 understanding given by the Attorney General  
20 at that time or any other time that I can  
21 recall.

22 Q. Well, in effect, Mr. Herman,  
23 I suppose, in the end result, did get a  
24 quid pro quo, did he not?

25 A. As a result of the meeting of  
26 July the 12th, a policy in regard to this  
27 taking of names and taking licence numbers,  
28 questioning people who were intending to go  
29 into the premises was discontinued without  
30





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1 any restriction on the Anti-Gambling Squad to  
2 make raids and investigations at any time  
3 without leave of the Department or any other  
4 person.

5 Q. Now, the words that Mr. Anderson,  
6 or Sergeant Anderson, used in his diary entry  
7 on July 12th is that they were to be given  
8 chance, present action to be cancelled to  
9 follow again if traffic warrants same. Was  
10 that the idea, they were to be given a  
11 chance?

12 A. They were to be given an  
13 opportunity to prove their bona fides under  
14 these new charters that had these restrictive  
15 clauses. I think you will find, if you  
16 will look at the schedule of raids, they  
17 didn't last very long because the raid took  
18 place at the end of July or the beginning  
19 of August and we were not quite satisfied  
20 as to their bona fides.

21 Q. Are you talking about the clubs  
22 generally, or Cookeville in particular?

23 A. I am talking about clubs  
24 generally, sir.

25 Q. Now, also in 1957 you mentioned  
26 this interview that you had with present  
27 Inspector Hatch. He was a sergeant then?

28 A. That is right.

29 Q. And Marsland and the other District  
30



any person or persons who may be

found guilty of any crime

without notice of the hearing of any case

thereof.

Now, the court is of the opinion,

on the facts of the case, that the

defendant is not guilty of the crime

charged, and is therefore

acquitted of the same.

That the jury is of the opinion

that

the defendant is not guilty of

the crime charged, and is therefore

acquitted of the same.

That the jury is of the opinion

that the defendant is not guilty of

the crime charged, and is therefore

acquitted of the same.

That the jury is of the opinion

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the defendant is not guilty of

the crime charged, and is therefore

acquitted of the same.

That the jury is of the opinion

that the defendant is not guilty of





1           Inspectors?

2           A.       That is right.

3           Q.       At which time Hatch requested that  
4 he not be called on to make reports?

5           A.       That is right.

6           Q.       Now, did I understand you to say  
7 that Hatch was suggesting that there were  
8 leaks as a result of these reports being  
9 forwarded?

10          A.       I can't recall that. I was  
11 suspicious myself there were leaks around  
12 that time somewhere, and when Sergeant Hatch,  
13 as he then was, made this request I went  
14 along with it without any equivocation  
15 whatever.

16          Q.       He so stated.

17          A.       That is right.

18          THE COMMISSIONER: Q. There was no doubt  
19 as to what motivated him in making that  
20 request?

21          A.       No question about that, sir.

22          MR. MacKINNON: Q. Were you subsequently  
23 informed -- you stated you don't remember  
24 anybody asking Hatch for the name of a person  
25 or the informant Hatch had in mind. We have  
26 had, I believe, Inspector Ramsbottom too, and  
27 Inspector Hatch both swear it happened. Was  
28 this reported to you after it had happened?

29          A.       No, sir, it was not. The first  
30





1 I heard of that was in this room, sir.

2 Q. Now, you were then -- once again  
3 chronologically -- taken through the Scott  
4 diary?

5 A. Yes, sir.

6 Q. And you stated that you agreed  
7 that you felt the matter should not be allowed  
8 to go on, the charge should be laid against  
9 Wright. Is this a correct summary of what  
10 you stated this morning?

11 A. I would think so, yes. We felt  
12 this, that Wright was in the role of an  
13 agent provocateur.

14 Q. Scott, you mean?

15 A. I am sorry, Scott. And we knew,  
16 we were satisfied ourselves as to what was  
17 taking place, and we felt that this matter  
18 could not go on interminably, there had to  
19 be some finality to it, keeping in mind  
20 at the same time an equal interest in the  
21 involvement of McDermott and Feeley, and  
22 we felt -- by that time a thousand dollars  
23 had been paid allegedly by Wright to Scott --  
24 and it was felt in our best judgment we  
25 could apply to the matter at that time  
26 that the time had come when we should take  
27 some action.

28 Q. Well, talking about Feeley and  
29 McDermott, I suppose at that stage at least  
30





4 1/2 4 1/2 4 1/2

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.



1 you were well aware, and your Department, that  
2 these people were considered to be the king-  
3 pins, if I may use that expression?

4 A. I suspected that but, Mr. MacKinnon,  
5 we had no direct evidence of that, but we were  
6 pretty well confirmed in our mind who was  
7 the head of it.

8 Q. Was it not considered to be  
9 important to you at that time that these  
10 people be trapped, Feeley and McDermott?

11 A. Oh, yes, if possible. Yes.

12 Q. Wasn't that a consideration that  
13 would have lent weight to a continuation of  
14 Scott's investigation until he had ---

15 A. It might well have been.

16 Q. --- completed it?

17 A. But as events have turned out, it  
18 wasn't necessary because at the time we  
19 terminated the investigation -- I don't like  
20 that word "terminated" because it may have  
21 some sort of a sinister aspect in some  
22 people's minds -- that the cessation of that  
23 investigation, as it now turns out, with a  
24 subsequent police checking and the police  
25 investigation, sufficient evidence was forth-  
26 coming to convict the three of them, and as  
27 you probably now know the appeal was to-day  
28 dismissed and our appeal, by the way, against  
29 the acquittal of Wright was allowed, and I  
30



you were told about, and you were told about, and

these people were considered to be the kind of

people that we had to deal with.

I remember that day, Mr. [Name],

we had no direct evidence of that, and we had

nothing well established in our mind that

was true or not.

And it was considered to be

important to get to the bottom of this.

And we found, finally, that

the [Name] was, in fact, a

very important person.

And we found that he was

very important in the [Name]

is that well known?

Yes, it is well known.

And we found that he was

very important in the [Name]

and we found that he was

very important in the [Name]

and we found that he was

very important in the [Name]

and we found that he was

very important in the [Name]

and we found that he was

very important in the [Name]

and we found that he was

very important in the [Name]

and we found that he was

very important in the [Name]





1 think it justifies our position that we did have  
2 sufficient evidence at that time to warrant  
3 the laying of the charges against Wright and  
4 the subsequent charges against McDermott  
5 and Feeley.

6 Q. But at that time I understood  
7 your conclusion was you were just laying  
8 charges against Wright?

9 A. That is so.

10 Q. That is what in effect happened?

11 A. That is quite true, but we were  
12 not unmindful of our responsibility to  
13 endeavour to get sufficient evidence to  
14 convict McDermott and Feeley.

15 Q. Then at that time in 1960, when  
16 the steps were being taken leading up to the  
17 cancellation of the Centre Road Vets charter,  
18 your evidence is, and the evidence we have  
19 heard, is that the evidence was turned over  
20 to you to be considered?

21 A. That is so, yes.

22 Q. Is that a usual practice?

23 A. No, that was not. Up to, prior  
24 to that time, as I recall it, Mr. Cadney --  
25 may I put it this way, Mr. MacKinnon --  
26 there was a meeting in the office of the  
27 Attorney General. I am sorry I can't give  
28 the exact date. Some time prior to that.

29 Q. January, wasn't it?  
30



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1 A. It might have been January, when this  
2 whole question of cancellation of provincial  
3 charters was discussed. There was a great  
4 divergence of opinion among not only government  
5 people but other people.

6 Q. This is the one Police Chief Mackey  
7 attended?

8 A. He was not there. It was attended  
9 by the Attorney General, the then Provincial  
10 Secretary I think, Mr. Cudney, Mr. Bonan and  
11 myself, and maybe Mr. Levine was there, I'm  
12 not sure, from Mr. Cudney's department. The  
13 whole question was discussed as to whether  
14 charters might be cancelled for, let's say,  
15 mere suspicion of violations of the Criminal  
16 Code or their conduct was such that in the  
17 opinion of the authorities that they were  
18 not carrying out their duties or their  
19 responsibilities in a proper way. There  
20 was some discussion both ways that we should  
21 wait for a conviction. Others discussed  
22 the question whether suspicion, if you will,  
23 would be sufficient, and it was resolved, as  
24 I recall, at that meeting, or a subsequent  
25 meeting, that where there was circumstantial  
26 evidence of such a character that might  
27 justify the Provincial Secretary in cancelling  
28 those charters the evidence would be  
29 supplied to us after an investigation by the  
30





1. This is the one thing that I have  
2. I have seen in my life, and I have  
3. I have seen in my life, and I have  
4. I have seen in my life, and I have  
5. I have seen in my life, and I have  
6. I have seen in my life, and I have  
7. I have seen in my life, and I have  
8. I have seen in my life, and I have  
9. I have seen in my life, and I have  
10. I have seen in my life, and I have



1 Provincial Secretary and we would make a  
2 recommendation. Now, it was pursuant to that  
3 arrangement that the evidence in this particular  
4 case was submitted to me.

5 Q. This was the first occasion it had  
6 happened?

7 A. Well, there might have been some  
8 some time ago but this is the first one, I  
9 think, pursuant to that meeting.

10 Q. I see. Have there been others  
11 since?

12 A. Mr. Bowman might be in a better  
13 position to answer that. I can't recall. As  
14 far as I am personally concerned, that was  
15 the only one.

16 Q. This is the only one you ever  
17 wrote a report on?

18 A. Yes, that is right.

19 Q. Now, we have had evidence here of  
20 reports made with regard to Inspector Stringer  
21 and his conduct. Were those reports ever  
22 drawn to the attention of the Attorney General's  
23 Department?

24 A. What specific report, Mr. MacKinnon?

25 Q. Well, as to the approaches to  
26 Corporal Shrubbs, as he then was?

27 A. No, sir.

28 Q. And Sergeant Hatch?

29 A. No. I might say, Mr. MacKinnon,  
30







1 I never knew of the existence of those reports  
2 until the commencement of this Commission or  
3 the incidents mentioned in the reports.

4 Q. With regard to the Ramsay Club,  
5 were you ever spoken to in that connection in  
6 the summer of 1958, May, June, July?

7 A. No, I wasn't.

8 THE COMMISSIONER: I don't understand  
9 that question, "Were you ever spoken to in  
10 that connection?"

11 MR. MACKINNON: Q. In connection with the  
12 Ramsay Club and putting it out of business.  
13 You may remember there were a number of  
14 people telephoned apparently in the summer  
15 months and then it was raided. As a result  
16 of that there was what has now become known  
17 as the Ramsay brief. Was any contact ever  
18 made with you in connection with that club  
19 at that time?

20 A. No, sir.

21 Q. No.

22 A. As a matter of fact, I was myself  
23 in great confusion as to what the Ramsay Club  
24 was, because it was moving around so much.  
25 I knew very little about the actual Ramsay  
26 Club. So far as the brief is concerned, I  
27 knew nothing whatever about that until the  
28 preliminary hearing.

29 THE COMMISSIONER: Q. You had learned  
30







1 about it in the Scott reports?

2 A. Well, the Scott reports that came  
3 out, yes, at the preliminary hearing.

4 MR. MACKINNON: Exhibit 276, which is  
5 dated April 27th, 1960, I believe you stated  
6 that you kept it rather than delivering it to  
7 your Minister for some weeks?

8 A. Yes, sir.

9 Q. Until Wright was arrested, is that  
10 correct?

11 A. Well, it was at the time the  
12 arrest of Wright was imminent. Whether he  
13 had actually been arrested -- he might have  
14 been arrested because my letter to Mr. Cudney  
15 I notice is dated the 30th of May and I might  
16 have held that letter up to the 24th, 25th.  
17 It certainly was held back until after the  
18 information against Wright was laid.

19 Q. I see. And your reason being  
20 that if it had gone forward and the charter  
21 been cancelled, this might have upset ---

22 A. It might have prejudiced the  
23 investigation. That is what I felt at the  
24 time.

25 Q. But Scott was giving information  
26 with regard to more than this club, wasn't he?  
27 Wasn't he?

28 A. Oh, yes, sir.

29 Q. They wouldn't have been completely  
30







1 out of business, as it were? That is, the people  
2 to whom he was giving information?

3 A. Well, as I recall it, of course,  
4 the Roseland ---

5 Q. No, the Ramsay Club and the Centre  
6 Road Club. Apparently, according to the  
7 reports we have had in the evidence, Scott  
8 was giving information first to Wright and  
9 then to McDermott with regard to raids on those  
10 two clubs?

11 A. Yes.

12 Q. So if the Centre Road Vets Club  
13 went out of existence the Ramsay Club presumably  
14 would be still in operation?

15 A. The Ramsay Club, as I recall, Mr.  
16 MacKinnon, was not under our jurisdiction.  
17 That was a Dominion charter.

18 Q. It was a Dominion charter? As far  
19 as getting information?

20 A. You might be right about that. I  
21 <sup>it</sup> can express an opinion on it.

22  
23 (Page 11785 follows)  
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33/1/ADO 'N

1 MR. MacKINNON: Q. In your experience  
2 can you tell us of any other occasion in which  
3 the Attorney-General of the day has requested  
4 the issuance of Provincial charters?

5 A. No, sir.

6 Q. To the social clubs?

7 A. No.

8 Q. These are the only times, these  
9 three clubs?

10 A. These are the only cases that we  
11 were concerned with to a very great degree on  
12 the existence of alleged gambling within the  
13 Province.

14 Q. Oh, yes. There was one other  
15 subject that wasn't touched on by Mr. Wilson.  
16 Possibly you can assist us. We had some evidence  
17 that there was a request made to the members  
18 of the anti-gambling squad to affirm their  
19 confidence in the Attorney-General or the  
20 Attorney-General's Department. I am not sure  
21 which. Did you play a part in that?

22 A. Yes, I did. I asked Commissioner  
23 Clark, and that was purely an innocuous request.  
24 I had enjoyed the confidence, I think, of  
25 all senior members, officers of the Ontario  
26 Provincial Police over a great number of years  
27 and this was just an offhand remark to  
28 Commissioner Clark. I said, "What do the  
29 boys down there think about it," after the trial  
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1 and so on. "What is their attitude? You  
2 might make a quiet investigation." I had  
3 completely forgotten about it. This started  
4 into a full-scale inquiry.

5 Q. You didn't intend the anti-  
6 gambling squad should make a full-scale inquiry?

7 A. Most decidedly not. I wanted  
8 to know what they thought of our boys in the  
9 Department. It was never intended to have  
10 any inquiry as it came out here.

11 Q. And this was not discussed with  
12 your Minister, I suppose?

13 A. No, not the slightest.

14 THE COMMISSIONER: Q. You didn't intend  
15 Commissioner Clark to interview each one and  
16 report back to you?

17 A. No. I just wanted to get the  
18 atmosphere.

19 MR. MACKINNON: Q. Did he report back  
20 to you?

21 A. Yes, he reported back to me and  
22 we had some misgivings at one time, but at  
23 that time everything appeared to be quite in  
24 order and quite satisfactory. It was one of  
25 those informal and impersonal sort of inquiries  
26 that probably should not have been made, but  
27 I wanted to satisfy myself, as Deputy head of  
28 the Department.

29 MR. MACKINNON: That is all, thank you.  
30







1 THE COMMISSIONER: Mr. Lawlor?

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6 EXAMINED BY MR. LAWLER:

7 Q. Mr. Common, take your mind back  
8 to the occasion you mentioned you were called  
9 in by your Minister to the office and Louis  
10 Herman was there. As I understood your  
11 evidence, that conversation was already in  
12 progress?

13 A. That is so.

14 Q. You don't know how long that con-  
15 versation had gone on when you arrived?

16 A. That is correct.

17 Q. So a good deal of discussion  
18 could have taken place between the Attorney-  
19 General and Mr. Herman as to the issuance of  
20 these charters before you arrived?

21 A. I can't say, Mr. Lawler, about  
22 that.

23 Q. So far as you know, Mr. Common,  
24 at this stage then it was quite possible that  
25 Mr. Herman made the first overture with respect  
26 to these charters?

27 A. Anything is possible. To  
28 reiterate what I said this morning, when I  
29 got in there the atmosphere was charged, a very  
30



1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

2. The second part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Treasury at that time. It is a very important document, and it is one of the most interesting documents in the collection.

3. The third part of the document is a letter from the Secretary of the Navy to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Navy at that time. It is a very important document, and it is one of the most interesting documents in the collection.

4. The fourth part of the document is a letter from the Secretary of the War to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the War at that time. It is a very important document, and it is one of the most interesting documents in the collection.

5. The fifth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Interior at that time. It is a very important document, and it is one of the most interesting documents in the collection.

6. The sixth part of the document is a letter from the Secretary of the State to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the State at that time. It is a very important document, and it is one of the most interesting documents in the collection.

7. The seventh part of the document is a letter from the Secretary of the Education to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Education at that time. It is a very important document, and it is one of the most interesting documents in the collection.

8. The eighth part of the document is a letter from the Secretary of the Agriculture to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Agriculture at that time. It is a very important document, and it is one of the most interesting documents in the collection.

9. The ninth part of the document is a letter from the Secretary of the Commerce to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Commerce at that time. It is a very important document, and it is one of the most interesting documents in the collection.

10. The tenth part of the document is a letter from the Secretary of the Finance to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Finance at that time. It is a very important document, and it is one of the most interesting documents in the collection.





1 tense atmosphere and the Attorney-General  
2 was berating Mr. Herman in no uncertain terms  
3 for his clients hiding behind Dominion charters  
4 when they could have come under social charters  
5 in Ontario with more restrictive charters.

6 Q. Was Mr. Herman resisting these  
7 statements?

8 A. Well, he was arguing, as I recall,  
9 that he should be entitled to remain under  
10 the Dominion jurisdiction, but after a short  
11 time he told the Attorney-General that he  
12 would consult with his clients and get their  
13 instructions.

14 Q. How long thereafter, Mr. Common,  
15 in your recollection, did it take Mr. Herman  
16 to arrive at a decision to accept the charters?

17 A. I would think in a matter of  
18 two or three days, I would think.

19 Q. In conversations with Mr. Herman  
20 on that occasion or any subsequent occasion  
21 connected with these charters, did you consider  
22 or did you ask Mr. Herman why -- or who his  
23 principals were?

24 A. I don't recall any specific  
25 question in that regard. We suspected who  
26 his principals were. We suspected who his  
27 principals were, although we had no direct  
28 evidence.

29 Q. Who did you suspect?  
30







1 A. McDermott and Feeley, although  
2 we had no definite evidence.

3 Q. Did you suspect them, vis-a-vis,  
4 the Windsor situation and the Niagara Falls  
5 situation?

6 A. No. I think I can quite truth-  
7 fully say, as far as I was concerned, I never  
8 associated McDermott and Feeley with either  
9 the Roseland Club or the Frontier Club.

10 Q. Nevertheless, some solicitor  
11 was appearing before you on the same occasion  
12 with respect to these three charters?

13 A. That is so.

14 Q. Did you not think it was strange?

15 A. Did I think it was strange?

16 Q. Yes.

17 A. Not necessarily.

18 Q. Did you assume on that occasion  
19 he was acting for the same or similar principals  
20 in three instances?

21 THE COMMISSIONER: What do you mean  
22 by similar instances?

23 MR. BAYLOR: Q. Similar. All right,  
24 the same.

25 A. I didn't assume anything. The  
26 incorporators or at least the officials or  
27 officers, rather, of the various clubs, were  
28 the ones that we assumed were his clients,  
29 although we suspected that McDermott and Feeley  
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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It contains a report on the state of the Union and the progress of the war.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862. It contains a report on the state of the Treasury and the progress of the war.

3. The third part is a report from the Secretary of the Interior, dated January 17, 1862. It contains a report on the state of the Interior and the progress of the war.

4. The fourth part is a report from the Secretary of the Navy, dated January 24, 1862. It contains a report on the state of the Navy and the progress of the war.

5. The fifth part is a report from the Secretary of the War, dated January 31, 1862. It contains a report on the state of the War and the progress of the war.

6. The sixth part is a report from the Secretary of the State, dated February 7, 1862. It contains a report on the state of the State and the progress of the war.

7. The seventh part is a report from the Secretary of the War, dated February 14, 1862. It contains a report on the state of the War and the progress of the war.

8. The eighth part is a report from the Secretary of the State, dated February 21, 1862. It contains a report on the state of the State and the progress of the war.

9. The ninth part is a report from the Secretary of the War, dated February 28, 1862. It contains a report on the state of the War and the progress of the war.

10. The tenth part is a report from the Secretary of the State, dated March 7, 1862. It contains a report on the state of the State and the progress of the war.

11. The eleventh part is a report from the Secretary of the War, dated March 14, 1862. It contains a report on the state of the War and the progress of the war.

12. The twelfth part is a report from the Secretary of the State, dated March 21, 1862. It contains a report on the state of the State and the progress of the war.

13. The thirteenth part is a report from the Secretary of the War, dated March 28, 1862. It contains a report on the state of the War and the progress of the war.

14. The fourteenth part is a report from the Secretary of the State, dated April 4, 1862. It contains a report on the state of the State and the progress of the war.

15. The fifteenth part is a report from the Secretary of the War, dated April 11, 1862. It contains a report on the state of the War and the progress of the war.

16. The sixteenth part is a report from the Secretary of the State, dated April 18, 1862. It contains a report on the state of the State and the progress of the war.

17. The seventeenth part is a report from the Secretary of the War, dated April 25, 1862. It contains a report on the state of the War and the progress of the war.

18. The eighteenth part is a report from the Secretary of the State, dated May 2, 1862. It contains a report on the state of the State and the progress of the war.

19. The nineteenth part is a report from the Secretary of the War, dated May 9, 1862. It contains a report on the state of the War and the progress of the war.

20. The twentieth part is a report from the Secretary of the State, dated May 16, 1862. It contains a report on the state of the State and the progress of the war.

21. The twenty-first part is a report from the Secretary of the War, dated May 23, 1862. It contains a report on the state of the War and the progress of the war.

22. The twenty-second part is a report from the Secretary of the State, dated May 30, 1862. It contains a report on the state of the State and the progress of the war.

23. The twenty-third part is a report from the Secretary of the War, dated June 6, 1862. It contains a report on the state of the War and the progress of the war.

24. The twenty-fourth part is a report from the Secretary of the State, dated June 13, 1862. It contains a report on the state of the State and the progress of the war.

25. The twenty-fifth part is a report from the Secretary of the War, dated June 20, 1862. It contains a report on the state of the War and the progress of the war.

26. The twenty-sixth part is a report from the Secretary of the State, dated June 27, 1862. It contains a report on the state of the State and the progress of the war.

27. The twenty-seventh part is a report from the Secretary of the War, dated July 4, 1862. It contains a report on the state of the War and the progress of the war.

28. The twenty-eighth part is a report from the Secretary of the State, dated July 11, 1862. It contains a report on the state of the State and the progress of the war.

29. The twenty-ninth part is a report from the Secretary of the War, dated July 18, 1862. It contains a report on the state of the War and the progress of the war.

30. The thirtieth part is a report from the Secretary of the State, dated July 25, 1862. It contains a report on the state of the State and the progress of the war.



1 were the operators, certainly insofar as  
2 the Centre Road Club is concerned. I always  
3 associated Gardner with the Roseland Club.  
4 I couldn't associate anybody with the Frontier  
5 Club. As far as I was concerned, I associated  
6 McDermott and Feeley with the Centre Road.

7 Q. You didn't question him as to  
8 who the moving powers were?

9 A. No. I didn't think it was  
10 necessary.

11 Q. Mr. Herman, I take it, knew quite  
12 conclusively when he left that office, what  
13 conditions were going to imposed on those  
14 charters?

15 A. He knew that if he consented to  
16 go under Ontario jurisdiction, that on the  
17 Ontario charter there would be the three  
18 restrictive clauses which were not in the  
19 Dominion authorization of the Dominion charters.

20 Q. This was discussed with him  
21 by the Attorney-General or yourself?

22 A. Yes, very definitely. The  
23 Attorney-General gave the particulars, released  
24 shortly after, which is in evidence now, for  
25 the reason for the consenting to allow these  
26 people to come under the Provincial jurisdiction.

27 Q. Mr. Cannon, as Deputy Crown  
28 Attorney ---

29 THE COMMISSIONER: Deputy Attorney-General.  
30



on the 10th of March, 1968, at New York, New York.

The above information was obtained from the files of the

Department of Justice, Federal Bureau of Investigation.

A copy of this report is being furnished to the

Director, Federal Bureau of Investigation, Washington, D.C.

Very truly yours,

J. Edgar Hoover, Director

Enclosure

1 - Bureau of Investigation, New York Office

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1 THE WITNESS: Deputy Attorney-General,  
2 not Crown Attorney.

3 MR. LAWLER: Deputy Attorney-General.

4 Q. Did you at any time after July,  
5 1957, when these charters were issued, did you  
6 take any direct or personal interest in seeing  
7 whether the clauses, of which you have spoken  
8 in the charter, were being abided by?

9 A. Did I, personally?

10 Q. Yes.

11 A. No, I relied on police action.  
12 It wasn't brought to my attention, I will put  
13 it this way, by the police .

14 Q. Did you give any specific police  
15 instructions, to the Ontario Provincial Police  
16 or any other policeman, directly under your  
17 surveillance, to watch this situation with  
18 (sic)  
19 regard to nuts and bolts, etcetera?

20 A. The police were aware of the  
21 restrictions contained in the Ontario charters.

22 Q. Answer my question, please, Mr.  
23 Common. Did you give specific instruction  
24 in this instance, say with respect to the  
25 Centre Road Club, to watch it?

26 A. For infraction of the restrictive  
27 clauses?

28 Q. For the charter restrictions.

29 A. I can't recall giving any specific  
30 instructions in regard to the Centre Road Club,



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1 but I again repeat the police were aware of  
2 the restrictive clauses in the Ontario charter,  
3 and in my opinion, that was enough.

4 Q. Mr. Common ---

5 A. From there on it was a police  
6 action.

7 Q. Would it be fair to say the  
8 issuance of these three charters was an extra-  
9 ordinary procedure?

10 A. Would you please repeat that?

11 Q. Would it be fair to say the  
12 issuance of these three charters was quite  
13 extraordinary?

14 A. It was extraordinary in this  
15 regard, as Mr. Mackinnon just asked me, whether  
16 in my opinion it had ever been done before.  
17 We had never been confronted with this situation  
18 before and it was an extraordinary situation.  
19 And may I put it this way, an extraordinary  
20 situation meant, as you put it, an extraordinary  
21 remedy, as we call it.

22 Q. You realize for a period of  
23 three years thereafter, the evidence before us  
24 has been that this place was highly barricaded  
25 and that no evidence or nothing came, apparently  
26 before you or as far as we know, the Provincial  
27 Secretary's Department, indicating that the  
28 clauses in this charter, the three of them,  
29 were in continuous contravention. A three-





1. The first of these is the fact that the  
2. second is the fact that the  
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7. seventh is the fact that the  
8. eighth is the fact that the  
9. ninth is the fact that the  
10. tenth is the fact that the



1 year period elapsed thereafter. Is the  
2 statement I am making about that correct?

3 A. I don't know how accurate your  
4 statement is, but I again repeat that the  
5 Provincial Police were aware of the restrictive  
6 nature of the clauses in the Ontario charters  
7 and it was up to them, within their  
8 jurisdiction, if they had evidence to bring it  
9 to the attention of the Provincial Secretary  
10 or myself. And in 1959 it was so brought,  
11 some two years after, it is true.

12 Q. You didn't feel there was any  
13 necessity to give specific directives with  
14 respect to those three clubs to see they were  
15 getting a lease on life and that they would  
16 accord with the terms and conditions?

17 A. I can't recall any specific instruction.  
18 I can only reiterate the police were aware  
19 of the existence of the restrictive clauses  
20 in the charter.

21 Q. The police were informed, of course,  
22 that these clubs were ---

23 A. I am sorry?

24 Q. The police were informed that  
25 these clubs were now under Provincial charter?

26 A. The police were informed?

27 Q. Yes.

28 A. Oh, yes, and the nature of the  
29 restrictive clauses.  
30







1 Q. You mentioned anonymous letters  
2 by way of complaints coming to your Department.  
3 If I was desirous of seeing such letters,  
4 would they be available?

5 A. I doubt it. Over a period of  
6 years, there were very, very few.

7 Q. You didn't keep them?

8 A. I won't say they were destroyed.  
9 They may be around somewhere. I have not  
10 seen them recently in going through the  
11 material for this hearing.

12 Q. When Mr. MacKinnon was asking  
13 you questions with respect to Inspector Hatch,  
14 you said that you were suspicious that there  
15 were leaks?

16 A. Yes, I was.

17 Q. Could you be more specific for us?

18 A. I was suspicious because Hatch,  
19 by the very nature of his questions, shared  
20 the suspicion that I had, because I had  
21 received some complaints before that, that  
22 there was a suggestion of leaks at the anti-  
23 gambling squad level. This was rumour. This  
24 was suspicion. Nothing pinpointed. But  
25 there was a feeling that there was something  
26 in the nature of leaks, and when Sergeant Hatch  
27 asked for the permission to not conform with  
28 the usual police method of making his report  
29 I knew he shared the suspicion that I had.  
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1 Q. Is there any specific instance  
2 that you recall?

3 A. I can't recall. As I said, I  
4 can't point anything at all. It is a matter  
5 of, shall we say, rumour. In other words, I  
6 was not surprised when Sergeant Hatch made  
7 the request that he did.

8 Q. Now, so far as you are concerned,  
9 there wouldn't be any intimation of any leaks  
10 proceeding from the senior members in your  
11 Department?

12 A. No, sir.

13 Q. You never had any peradventure  
14 of doubt about that?

15 A. I had no evidence about that. I  
16 had no suspicion of that at all.

17 MR. LAWLER: Thank you very much, Mr.  
18 Common.

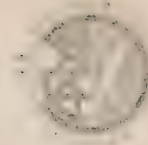
19 THE COMMISSIONER: Mr. Wilson?

20 MR. WILSON: Just two very brief  
21 matters.

22  
23  
24  
25 EXAMINED BY MR. WILSON:

26 Q. I show you a letter from Dr.  
27 Ullman. It is not dated, but it seems by the  
28 text of the letter to fix the date pretty well  
29 as of around July 29th, 1954.  
30







1           A.     I notice this is Gardner's.  
2 I thought it was Finnegan's. I see it is  
3 Gardner. Yes, that is the letter.

4           Q.     That is the letter addressed  
5 to Inspector ---

6           THE COMMISSIONER: From whom?

7           MR. WILSON: From Dr. Ullman to  
8 Inspector Tomlinson, undated.

9           THE COMMISSIONER: Undated.

10          MR. WILSON: In the opening paragraph  
11 it just refers -- this statement in the  
12 first paragraph:

13                " I examined Mr. John and Robert  
14 "Gardner on July 29th, 1954, at  
15 "two a.m. in the Hotel Dieu Hospital  
16 "at the request of the O.P.F.  
17 "of Essex."

18          A.     I thought it was Finnegan but  
19 I see it is Gardner.

20  
21 ---EXHIBIT NO. 277: Undated letter from Dr.  
22 Ullman to Inspector Tomlinson.

23          MR. WILSON: In order that we have  
24 something on the record, does your knowledge of  
25 the fact that these charters were being issued  
26 prior to July 12th, 1957, the meeting you  
27 had with Sergeant Anderson -- I show you a  
28 copy of a memorandum you made on July 12th,  
29 1957, to the Attorney-General. (Produced)  
30



— 1951 年 12 月 1 日 — 1952 年 1 月 1 日

1885-1886





1           The original of this document, I presume,  
2 will be brought here by the Attorney-General  
3 tomorrow or later today, as the case may be.

4           MR. MACKINSON: Is this an exhibit?

5           MR. WILSON: It is not an exhibit.

6           THE COMMISSIONER: Let me see that.

7           You can get that from the Attorney-General.

8           MR. WILSON: Q. There is one point,  
9 Mr. Commissioner, I see you had a heading:  
10 "Suspected Gambling Clubs", and in the body  
11 of your memorandum you refer to the three clubs?  
12

13           A. That is right.

14           Q. There is no question in your  
15 mind they were suspected?

16           A. No doubt whatever.

17           Q. And also in the opening sentence:  
18 "In order to keep you informed in this matter  
19 and pursuant to our telephone conversation of  
20 the 11th instant, I understand from the  
21 Provincial Secretary's Department the following  
22 Provincial charters are being issued".

23           A. That is right.

24           MR. WILSON: That is all, thank you.

25           ---The witness retired.

26  
27  
28  
29           MR. WILSON: Now I will call Mr. Bowman.  
30







1 WILLIAM C. BOWMAN, recalled

2 THE COMMISSIONER: Mr. Bowman was  
3 sworn originally.

4 MR. WILSON: Yes, he has been sworn  
5 and has given evidence and he has dealt with  
6 the specific issues arising out of question 2,  
7 and he has also dealt with the telephone  
8 calls referred to in Exhibit 121, I think it is.  
9

10 EXAMINED BY MR. WILSON:

11  
12 Q. Now, I direct your attention to  
13 the problem of the pinballs.

14 A. Yes.

15 Q. And I want you to explain the  
16 policy of your Department in regard to pinballs.  
17 We have in evidence two directives or memos.  
18 The first one was in 1936. Have you got  
19 a copy of that one with you?

20 A. No. It may be in some of the  
21 material. Mr. Wilson, have you got a copy  
22 of the material? There was two directives  
23 given to the Provincial Police in regards to  
24 the prosecutions on pinball machines.

25 THE COMMISSIONER: You may find it  
26 in 224.

27 MR. WILSON: 224 is the first one I  
28 have reference to.

29 THE COMMISSIONER: 224, 225 and 226.

30 MR. WILSON: 224, 225, 226 and 227 are







1 the exhibits, and also 228.

2 THE COMMISSIONER: And 229.

3 MR. WILSON: 229 gets us over to 1959.

4 THE COMMISSIONER: Yes, that is right.

5 MR WILSON: Q. First of all, dealing  
6 with the situation in 1956, will you tell us  
7 briefly what the history of this problem was  
8 from the point of view of your Department?

9 A. Well, prior to the coming into  
10 force of the new Code, the ordinary pinball  
11 machines, as we generally understand them,  
12 where there was no prize, no token or no slug  
13 emitted, and where they were not patently  
14 designed for gain, were not illegal under the  
15 old Code as it existed. There were a  
16 number of prosecutions and it was formally  
17 decided by the courts that these pinball games  
18 for amusement only, even though they be  
19 games of chance and mixed chance and skill,  
20 nevertheless were not illegal and were not  
21 slot machines as prohibited by the Code.

22  
23 If I may read an excerpt from the judgment  
24 of Chief Justice Robertson delivered in 1939,  
25 in the case of Rex vs. Levine, 72 Canadian  
26 Criminal Cases, page 312. The Chief Justice  
27 said this:

28 "In one way and another -- "

29 THE COMMISSIONER: Q. What year was that?

30 A. 1939.

[illegible]





1 MR. WILSON: Q. You are referring to  
2 his judgment at 317?

3 A. Yes.

4 "In one way and another many wise  
5 "people spend a good deal of time  
6 "and money in obtaining amusement,  
7 "and to a normal person it is  
8 "almost one of the necessities of  
9 "life. In my opinion it does no  
10 "violence to the language of the  
11 "statute in question to say that  
12 "an automatic machine that does  
13 "nothing to amuse is a machine  
14 "used, or intended to be used, for  
15 "vending services, and is therefore  
16 "excluded from the operation of the  
17 "subsection."

18 Now, that passage in that case was  
19 considered in the Supreme Court of Canada in  
20 Laphkas and The King, decided in 1942 and  
21 which is reported in 77 Canadian Criminal Cases  
22 at 142. In other words, what the Court  
23 held ---

24 THE COMMISSIONER: Q. The name?

25 A. Laphkas.

26 Q. Spell that.

27 A. L-a-p-h-k-a-s. Laphkas vs. The  
28 King. There the Courts held, essentially,  
29 that there was nothing immoral or nothing  
30 wrong with playing games for amusement and it



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1 did not offend against the Criminal Code.

2 Q. That is the old Code?

3 A. That is the old Code, quite.

4 In the course of the revision of the Code the  
5 Commissioners recommended change of language  
6 in the form in which it is today, and they  
7 recorded this with respect to the paragraph:

8 "Your Commissioners have considered  
9 "gaping sections of the Code. While  
10 "we are of the opinion that these  
11 "sections contain certain inconsistencies  
12 "and anomalies, we have suggested no  
13 "substantive changes because of  
14 "the controversial nature of the  
15 "matters involved."

16 Then the Senate Committee dealing with  
17 the same section indicated it was changed in  
18 form only, and when the bill was introduced,  
19 when the new Code was introduced in Parliament,  
20 the Minister of Justice said there was no  
21 change, it was a mere rearrangement of language.

22 Q. Is that reported?

23 A. Yes, reported in Hansard, 1954,  
24 page 2411. The Banking Committee is reported --  
25 The proceedings of the Senate Standing  
26 Committee on Banking and Commerce, June 10th,  
27 1952, at page 21.

28 Q. Who was the Minister of Justice?

29 A. Mr. Garson, I believe, my lord.  
30





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1 Now subsequently the case of Isseman against  
2 the King.

3 Q. Spell that.

4 A. I-s-s-e-m-a-n.

5 Q. Isseman?

6 A. Yes, Isseman.

7 Q. What year was that?

8 A. In October, 1956. It was decided  
9 and it was recorded, as I have it, in 24  
10 of the Criminal Reports, Canada, page 347,  
11 and there the Supreme Court of Canada held  
12 that notwithstanding what would be the apparent  
13 intention of Parliament, as indicated by the  
14 various committees in the Minister of Justice,  
15 nevertheless amusement, these pinball machines,  
16 were games of chance and mixed chance and  
17 skill and not purely skill, were illegal  
18 as slot machines if they were games of chance  
19 and mixed skill and chance. Where a  
20 different result might be arrived at by the  
21 operation of the machine. It was beyond  
22 the control of the operator.

23 Q. Under the old Code you could have  
24 a game of mixed skill and chance and if there  
25 was no prize, it would be legal?

26 A. That is true. That is what  
27 the Levine case held. But here there was  
28 this re-arrangement of language made the  
29 provision of providing for services, or where  
30







1 services were provided, it was held under  
2 the new Code, the providing of a service was  
3 the prize.

4 Q. Was the prize, and it would give  
5 you a chance to play the game over again?

6 A. That is right. In any event,  
7 that was the ultimate situation that developed  
8 from the decisions of the Courts and from the  
9 change in the Code.

10 Now, these first years in the Department,  
11 in September the question arose as to the  
12 possible changes made by the Code, arose in  
13 September of 1956. Sergeant Anderson  
14 suggested to the then Commissioner McNeil,  
15 that pinball machines, that is ordinary ones  
16 where you simply get amusement for your money  
17 or chance of amusement, that such machines were  
18 illegal under Section 1701 of the Code and,  
19 in effect, came within the same category as  
20 the one-armed bandit, at which the Code was  
21 clearly aimed. When that came to the attention  
22 of the Department, consideration was given  
23 then to the background of this section as  
24 to whether Sergeant Anderson was right in his  
25 suggestion.

26 It appeared to the then Deputy Attorney-  
27 General that he well might be right, but  
28 nevertheless that this appeared to be, <sup>an</sup> inadvertent  
29 change and being completely unintended it was a  
30







1 serious problem proposed on law enforcement  
2 which was not intended to be created.

3 So as a result of this the then Deputy  
4 Attorney-General had a conference with  
5 Commissioner McNeil at that time, and in  
6 the final analysis decided to leave things  
7 as they were and not to prosecute on the basis  
8 of these machines unless there was actual  
9 gaming resulting. That is, several people  
10 around betting on the results of the machine.  
11 At the same time the Attorney-General wrote  
12 to the Minister of Justice and pointed out  
13 it would appear that Parliament had inadvertently  
14 changed the Code, and suggested if this was  
15 so, that the Department of Justice might  
16 consider having it changed back to where it  
17 was.

18 MR. WILSON: Q. When did he first  
19 communicate with the Minister of Justice in  
20 that regard?

21 A. On October 24th, 1956.

22 Q. Yes?

23 A. Now, from then on the police did  
24 not, as far as I know, make any campaign of  
25 trying to charge storekeepers with keeping a  
26 common gaming house on the basis of a pinball  
27 machine that only provided amusement with no  
28 element of gain, as is normally understood.  
29 However, in 1957, a situation arose over in  
30







1 Welland County where the Crown Attorney there  
2 felt that the operator, that is, a distributor  
3 of these pinball machines, was a racketeer,  
4 and he thought it would be in the interests  
5 of the County to prosecute. The result was  
6 to get these pinball machines out of operation  
7 there as they were being operated. In  
8 July, 1957, there was a single prosecution  
9 instituted at Niagara Falls and there was  
10 a conviction and these machines disappeared.

11 Now the next incident arose two years  
12 later.

13  
14  
15 (Page 11806 follows)  
16  
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CC/1/20W

THE COMMISSIONER: In '59? Two years later?

A. Yes, my lord, in March of 1959, the Provincial Police in the Pembroke area seized a very large number of these pinball machines and charges were laid against every storekeeper who had one of these machines in his possession in the store. I think there was some - between 30 and 40 charges laid in the whole area. The storekeeper was charged with keeping a common gaming house. In some of the cases, I may say, in the final result it was found that some of the games were games of pure skill, and there were acquittals. In others, they were found to come within the Issman case, and there were convictions, but while some of the prosecutions were pending in Pembroke County, Mr. Hamilton, who was the Member of the Provincial Legislature there telephoned to me and this was on June the 23rd, 1959, and he said that he considered it unfair that these machines were permitted to operate for five or six years, and nobody there had ever considered them to be illegal or causing any real problem, and he said to crack down at that time and simply to seize all these machines and lay a great number of charges against the storekeepers, he said that he thought it was wrong and he asked me if I would look into it.







1           On June 24th of 1959 I wrote to the  
2 Commissioner of Police, Ontario, and to the  
3 Crown Attorney, Graham Walsh, asking for  
4 reports on the matter. Mr. Walsh wrote back  
5 and generally advised that he was of the view  
6 that it would be adequate and would serve  
7 the proper purposes if one charge was laid in  
8 each court in the County of Renfrew; that  
9 would be four or five charges, and that the  
10 rest of the charges be withdrawn. He was of  
11 the view that he would have served the general  
12 purposes to establish these machines were in  
13 fact illegal and that the storekeepers who  
14 had them would be subject to prosecution  
15 and effectively, and that he suggested the ---

16           THE COMMISSIONER: He suggested how  
17 many --

18           A.     No, he suggested, my lord, one  
19 in each court. I think there were four or five  
20 courts there - that is one in each area in  
21 the County.     So that was done. Mr. Walsh  
22 indicated to me that at the time he talked  
23 it over with the Provincial Police and the  
24 Provincial Police were satisfied with his  
25 approach, and as in Welland County, the machines  
26 disappeared from the County.

27           MR. WILSON: Q. We have as an exhibit,  
28 229, show it to the witness, please, a directive  
29 or memorandum from W.C. Bowman, yourself, to  
30





1. The first of these is the

2. second, which is the

3. third, which is the

4. fourth, which is the

5. fifth, which is the

6. sixth, which is the

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27. twenty-seventh, which is the

28. twenty-eighth, which is the

29. twenty-ninth, which is the

30. thirtieth, which is the



1 the Commissioner Clark re pin\_ball machines  
2 dated 16th October, 1959.

3 A. Yes.

4 Q. I take it that that was in  
5 response to, or in reply to the request from  
6 Commissioner Clark for some direction as to  
7 what position was to be taken after the  
8 lectures given at the Police College.

9 THE COMMISSIONER: Twenty what?

10 MR. WILSON: Exhibit 228. The request  
11 was on 228.

12 A. Well, that was essentially the  
13 position of the Department as set out in  
14 the letter and this was on this basis that  
15 we were faced with pinball machines which were  
16 technically illegal, and the possession of  
17 them technically and effectively made the  
18 owner of the grocery store liable to conviction.

19 Now in the two counties of which I  
20 am aware, it was considered locally to be  
21 a bad thing. They were gotten rid of by  
22 prosecution, and there was no reason why any  
23 anybody who wanted to prosecute anywhere else,  
24 be it the Provincial Policemen or a private  
25 citizen, there was nothing to prevent the  
26 laying of a charge, but we did not feel that  
27 this was a case where the anti-gambling squad  
28 should go about the country for the sole  
29 purpose of catching local grocery store operators  
30



The Government of India, Ministry of Education, is pleased to announce that the following list of books has been selected for the National Book Trust, India, for the year 1950. The books are listed in the following order: 1. The first book is 'The Life of Mahatma' by Dr. B. R. Ambedkar. 2. The second book is 'The History of India' by Dr. R. C. Majumdar. 3. The third book is 'The Indian Constitution' by Dr. B. R. Ambedkar. 4. The fourth book is 'The Indian Economy' by Dr. P. C. Mahalanobis. 5. The fifth book is 'The Indian Education' by Dr. S. N. Mukherjee. 6. The sixth book is 'The Indian Literature' by Dr. R. C. Majumdar. 7. The seventh book is 'The Indian Art' by Dr. A. K. Coomaraswamy. 8. The eighth book is 'The Indian Music' by Dr. V. N. Srinivasan. 9. The ninth book is 'The Indian Dance' by Dr. K. P. S. Menon. 10. The tenth book is 'The Indian Cinema' by Dr. P. C. Mahalanobis. 11. The eleventh book is 'The Indian Theatre' by Dr. S. N. Mukherjee. 12. The twelfth book is 'The Indian Architecture' by Dr. A. K. Coomaraswamy. 13. The thirteenth book is 'The Indian Sculpture' by Dr. A. K. Coomaraswamy. 14. The fourteenth book is 'The Indian Painting' by Dr. A. K. Coomaraswamy. 15. The fifteenth book is 'The Indian Crafts' by Dr. A. K. Coomaraswamy. 16. The sixteenth book is 'The Indian Handicrafts' by Dr. A. K. Coomaraswamy. 17. The seventeenth book is 'The Indian Textiles' by Dr. A. K. Coomaraswamy. 18. The eighteenth book is 'The Indian Jewellery' by Dr. A. K. Coomaraswamy. 19. The nineteenth book is 'The Indian Pottery' by Dr. A. K. Coomaraswamy. 20. The twentieth book is 'The Indian Metalwork' by Dr. A. K. Coomaraswamy.

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1 and charging them on the basis of those  
2 machines.

3 THE COMMISSIONER: The warning locally  
4 to the grocery store or the gasoline station  
5 operator would suffice?

6 A. Quite, my lord, quite.

7 MR. WILSON: Q. Then we have an  
8 exhibit in evidence of Inspector <sup>Whitty</sup> ~~Whitty~~ as  
9 to the seizure of certain machines and that  
10 would be in the Renfrew District?

11 A. That would be in the same area.

12 Q. The same area that he has told  
13 us that he asked for instructions to the  
14 disposition of the machines and he received  
15 a teletype from General Headquarters, Exhibit  
16 247:

17 "Retain the machines until further  
18 "instruction. Expect to obtain  
19 "decision for you within the next  
20 "six weeks."

21 Sent by Sam Phelps, executive officer of  
22 the Force and Mr. Whitty has told us it  
23 wasn't for approximately a year before he got  
24 instructions to destroy the machines. Now  
25 I understand you know something about that?

26 A. Yes, I think what happened there  
27 was simply this, that when we got the call  
28 from Mr. Hamilton about that action that had  
29 been taken locally on large scale, I telephoned,  
30







1 and I did write to the Commissioner a formal  
2 letter. I made two attendances to Mr. Phelps,  
3 but I also telephoned him, so that if there  
4 was any situation where justice should be  
5 secured, that Mr. Phelps would be aware of  
6 the right of way.

7 There may also have been the question  
8 of application - I don't recall specifically,  
9 but it may well quite be, may be quite well be  
10 that there was mention of some other machines  
11 that had already been confiscated. The  
12 suggestion - perhaps application might be made  
13 to Ottawa for executive clemency, which means  
14 of course that they could be returned to the  
15 owner.

16 Q. Now I am not clear as to whether  
17 I have had you explain what Mr. Gerson, then  
18 Minister of Justice, did with respect to the  
19 representations made to him?

20 A. Nothing.

21 Q. Following the Innesman decision?

22 A. Nothing was done so far as I know.

23 At least, the Code was not changed, but what  
24 was done in the Department of Justice - I do  
25 not know the mechanics of it - I don't know,  
26 but I do know that certainly the result was  
27 not the amendment suggested.

28 MR. WILSON: That is all.

29 THE COMMISSIONER: Mr. MacKinnon?  
30







1 EXAMINED BY MR. MACKINNON:

2  
3 Q. Just in that connection with  
4 the last matter, the pinball machines, do I  
5 understand you to say that you gave instructions  
6 to Mr. Phelps that he was to advise Inspector  
7 Whitty not to destroy these machines?

8 A. Yes.

9 Q. Some apparently had already  
10 been destroyed at this time?

11 A. Perhaps there had -- perhaps  
12 they had.

13 Q. Now Inspector Whitty has advised  
14 that he had been spoken to in connection with  
15 this machine by Mr. Maloney. Did Mr. Maloney  
16 speak to you about it?

17 A. No.

18 Q. At no time?

19 A. No time.

20 Q. You are aware, of course, Mr.  
21 Bowman, that in the evidence given by Mr.  
22 Shrubbs, he produced a list of telephone calls  
23 made by certain numbers which we have now  
24 established was used by Mr. Feeley, and McDermott.

25 A. I am aware of it.

26 Q. And among those calls we have  
27 established for the most part they were to  
28 these gambling clubs; to Mr. Jolley, who  
29 has admitted there probably was a phone call  
30 made to him and he remembers it, and McDermott



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1 admits that he may have made a phone call  
2 to Jelley, and a phone call to the Windsor  
3 Club as well, and to Gardner down there. A  
4 phone call to Mr. Jim Maloney and Mr., I  
5 believe, McDermott admitted that had been  
6 made by him. I believe there was one phone  
7 call to Mr. Rose and there were two phone  
8 calls to yourself.

9 THE COMMISSIONER: At his house.

10 MR. MACKINNON: Q. I am sorry, to your  
11 number, one on June the 7th, 1958 and I am  
12 not sure of the other date --

13 A. I am not sure of the date.

14 Q. I think it was June the 8th and  
15 June the 7th, June the 7th and 8th, 1958.  
16 Now do you have any recollection of any phone  
17 call made to you by either Feeley or McDermott?

18 A. No sense of recollection. My  
19 recollection is that I have never spoken to  
20 either one of them.

21 Q. You have never met Mr. McDermott?

22 A. Never met him.

23 Q. Either at a party or wedding or  
24 anything in that nature?

25 A. Not that I know of.

26 Q. And the same goes for Mr. Feeley?

27 A. Quite.

28 Q. All right, so far as you are  
29 concerned, you don't remember any particular -  
30 either particular phone call or any other phone







1 call?

2 A. After I heard of the dog story  
3 I thought back, and I have a vague recollection  
4 of something like that might have happened  
5 as  
6 to me some time, but that in, far as it goes,  
7 whether it was last year or twenty years ago,  
8 I couldn't determine.

9 Q. You don't remember?

10 A. No.

11 Q. Now, we were also advised by  
12 Mr. Anderson - Sergeant Anderson - that I  
13 believe on June the 3rd, 1958, you telephoned  
14 him about the Ramsay Club?

15 A. Yes.

16 Q. And with regard to this operation,  
17 can you give me an explanation of that phone  
18 call - why you called?

19 A. Now which one is that?

20 Q. At the Ramsay Club in Niagara Falls  
21 and there had apparently been complaints made  
22 apparently by Mr. Humphrey and Mr. McBernott  
23 and his friends that it shouldn't be operating.

24 A. My recollection on that incident  
25 is that Mr. Humphrey came into my office  
26 complaining about what the police were doing  
27 and the way they were harrassing the Centre  
28 Road Club, and he was complaining very  
29 bitterly and wondered what the Department  
30 was going to do about it. I told him that we







1 would continue on and try to put them out of  
2 business. He said, "Well, why don't you  
3 treat all the clubs alike?". I said, "We  
4 would be delighted". Now he said, "Will you  
5 take a complaint with me - from me -" to  
6 which I agreed completely, and he gave me the  
7 name of this club. Now I don't recall the name  
8 of the club of my own recollection, but he  
9 gave me the name of a club, and as soon as he  
10 left and I had undertook to take the complaint,  
11 and as soon as he left I telephoned the anti-  
12 gambling squad and I haven't the vaguest  
13 recollection to whom I was talking except  
14 that whoever it was, I passed on the information  
15 given to me and I told the source of my  
16 information of the complaint.

17  
18 Q. Now you knew Mr. Humphrey quite  
19 well, I take it?

20 A. Yes.

21 Q. Did he attend at your office  
22 quite frequently?

23 A. No, he did not. I doubt if he  
24 has been in my office four times that I can  
25 recall.

26 Q. Well, he called you from time to  
27 time. Let's be more specific, did he ever  
28 call you about any of the other club or clubs  
29 apart from that visit to your office in 1958?

30 A. No, I don't think so. I think



The first part of the book is devoted to a general  
 introduction to the subject of the history of the  
 world, and to a description of the various  
 systems of thought which have prevailed in  
 the different ages and nations. The second  
 part is devoted to a detailed account of the  
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1 Mr. Hammond dealt with them.

2 Q. But you don't remember Mr. Humphrey  
3 ever speaking to you about these clubs?

4 A. No.

5 Q. Well, there was a search  
6 warrant, you will remember, executed with  
7 relation to Mr. Humphrey's office in 1960,  
8 and were you requested to approve the issuing  
9 of that search warrant?

10 A. No, I was not. I know nothing  
11 about it.

12 Q. At no time - I mean prior to its  
13 actual execution?

14 A. I had no knowledge of it prior  
15 to the actual execution.

16 Q. You had no discussion with  
17 Inspector Graham as to ---

18 A. No.

19 Q. -- or with Commissioner Clark?

20 A. No.

21 Q. So that when it appeared that  
22 they say they were waiting for you to give  
23 approval, as far as you were concerned you  
24 knew nothing about that?

25 A. That's quite true. The story is  
26 that either the Commissioner and Inspector  
27 Graham went to see Mr. Connon about the form  
28 of the warrant or something. Mr. Connon was  
29 completely tied up and they asked to see me  
30



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1 and came around to my office, and as I under-  
2 stand it I didn't see them that day, and they  
3 never came back.

4 Q. They never spoke to you about it?

5 A. They never spoke to me about it.

6 Q. Now we have heard evidence from  
7 Mr. Jelley that he did attend at your office  
8 on a number of occasions discussing generally it -

9 A. Well, I used to see Mr. Jelley  
10 quite regularly during the course of the  
11 Session of Legislature. My office is quite  
12 close to the Members' room there.

13 Q. Did he make -- I am sorry ---

14 A. As far as that was, my whole  
15 dealings with him have never been - I have  
16 never been out socially with him.

17 Q. I am not suggesting you did.  
18 I am thinking of from the point of view, did  
19 he make, to your mind, did he make a particular  
20 point of coming in to see you quite frequently?

21 A. No, I don't think so. I don't  
22 think so.

23 Q. Well, he said he would have  
24 general discussions with you, and including  
25 the gambling clubs, do you remember that?

26 A. I remember him saying that.

27 THE COMMISSIONER: Q. Here?

28 A. Here. But there is no discussion  
29 that I can ever recall with him about any gambling  
30





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2. The second part of the book is devoted to a general

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1 club, except the time he came into my office  
2 or phoned me. He phoned me with respect to  
3 the seizure of money at the Ramsay Club, and  
4 he said one of his constituents - he said  
5 was hurt, and the police were improperly holding  
6 that money, and he wanted to know if there  
7 was any way in which it could be returned to  
8 him.

9 Q. It was Mr. Jolley who phoned  
10 you about that?

11 A. It was Mr. Jolley who telephoned  
12 me about that.

13 Q. Well now, did Mr. Maloney ever  
14 speak to you in connection with any of these  
15 clubs or individuals connected with them?

16 A. No.

17 Q. At no time?

18 A. At no time.

19 Q. He didn't attend at your office  
20 then like Mr. Jolley advised?

21 A. He did not, no.

22 Q. No?

23 A. No.

24 Q. I see.

25 MR. MACKINNON: I wonder if we could  
26 have Constable Moore's notebook for 1960.

27 Q. Maybe while we are waiting for  
28 this, I have got an excerpt from Mr. Moore -  
29 Constable Moore's diary. Do you remember the  
30



1. The first part of the report deals with the general situation of the country and the progress of the work of the Commission.

2. The second part deals with the work of the Commission in the field of the study of the history of the country.

3. The third part deals with the work of the Commission in the field of the study of the geography of the country.

4. The fourth part deals with the work of the Commission in the field of the study of the natural resources of the country.

5. The fifth part deals with the work of the Commission in the field of the study of the social and economic conditions of the country.

6. The sixth part deals with the work of the Commission in the field of the study of the culture and education of the country.

7. The seventh part deals with the work of the Commission in the field of the study of the science and technology of the country.

8. The eighth part deals with the work of the Commission in the field of the study of the law and administration of the country.

9. The ninth part deals with the work of the Commission in the field of the study of the foreign relations of the country.

10. The tenth part deals with the work of the Commission in the field of the study of the international law and the international relations of the country.





1 meeting with Constable Moore, Commissioner -  
2 or with Commissioner Clark on June the 17th,  
3 1960, and Mr. Cannon, at which time Mr. Cannon,  
4 Mr. Clark asked your permission - yours  
5 and Mr. Cannon's permission to raid Humphrey's  
6 offices or execute a search warrant on it  
7 and that you advised him that you would  
8 decide later?

9 A. No, I don't recall the meeting.

10 Q. I am reading this from Constable  
11 Moore's notebook, and I just wondered if  
12 that refreshes your memory of Humphrey's  
13 search warrant - but you cannot recollect?

14 A. No, I can't.

15 Q. Now we have heard evidence here  
16 as to the search warrant being executed on  
17 June the 3rd, 1960, at the Bell Telephone to  
18 look and seize the toll slips in connection  
19 with Gogek's telephone number. You are familiar  
20 with that, I take it?

21 A. Yes, I think so.

22 Q. How were you advised, either on  
23 June the 3rd or prior thereto, that this warrant  
24 was going to be executed?

25 A. I may well have been.

26 Q. By Commissioner Clark?

27 A. I may have been.

28 Q. Did you tell anyone else that  
29 this was being done, to your recollection?  
30





1 A. No.

2 Q. Pardon?

3 A. No.

4 Q. Is your memory good enough to  
5 recall whether that was a telephone conversation  
6 or a personal interview which you received  
7 this information at from Commissioner Clark?

8 A. No, I - it is not.

9 Q. It is not?

10 A. No.

11 Q. Now we have had evidence from  
12 former Crown Attorney Walsh with regard to a  
13 drunken driving charge which he was handling  
14 and on which he took an appeal. He said that at  
15 page 8735:

16 "A. So I attempted - I appealed  
17 "the case and took the transcript  
18 "of the case to Mr. Common.

19 "Q. Yes?

20 "A. He read it at the Crown  
21 "Attorney's convention and his comment  
22 "was, 'What's wrong with the magistrate?'

23 "Q. Yes?

24 "A. So I appealed that particular  
25 "case and I received a letter - I  
26 "haven't it here - saying I was to  
27 "stick strictly to the evidence;

28 "and my conversation with Mr. Bowman,  
29 "he wouldn't like to take two bites  
30







1 "at the cherry."

2 Q. Now from what went before -  
3 reading from what went after, apparently Mr.  
4 Walsh felt that Mr. Maloney had spoken to you  
5 about that particular case and that you thereupon  
6 gave instructions to him that he was not to  
7 introduce any evidence on appeal but was to  
8 deal strictly with the transcript, is that  
9 true?

10 A. I did not see -- I did not write  
11 the letter. That was written by somebody  
12 else in the Department.

13 Q. You are familiar with that letter?

14 A. Oh, yes, I am familiar with  
15 the letter.

16 Q. But it wasn't written by you?

17 A. No, it was not.

18 Q. Did Mr. Maloney speak to someone  
19 else in the Department?

20 A. Not that I know of.

21 Q. Well, why would that type of letter  
22 be written instructing the Crown Attorney  
23 how to handle his appeal?

24 THE COMMISSIONER: Who wrote the letter?

25 A. The Deputy Attorney-General, Mr.  
26 Common. It would be written on this basis,  
27 Mr. MacKinnon, "That two bites of the cherry"  
28 is not an uncommon phrase, I don't think, and --

29 Q. That is what you said.  
30







1           A.       It is predicated upon this,  
2       that in every case where the Crown loses a  
3       summary conviction, prosecution is open to the  
4       Crown to try again on the trial, so the Crown  
5       can always do that.   We are not limited to  
6       the question of law, it is simply a question  
7       of fairness or whatever way you want to put it.

8               Now the practice of the Department is  
9       this; that we do not authorize appeals by  
10      Crown Attorneys in summary conviction cases  
11      just to upset what might have been a bad  
12      decision by a magistrate, but only if the  
13      decision in question is in principle where  
14      the issue is an important issue of law, or  
15      where there is some special incident that makes  
16      this an important appeal, not the guilt or  
17      the innocence of the accused necessarily,  
18      but some particularly important issue in which  
19      the magistrate sees fit on the evidence to  
20      give a person the benefit of a reasonable  
21      doubt; we do not start over again and say,  
22      "Well, we can get this fellow the next time",  
23      as it is simply not our policy.   I would  
24      assume that that is what Mr. Common had in  
25      mind when he wrote that letter.

26           Q.       Well, in other words you never,  
27      in all these trial de nova, the Crown Attorney  
28      is always restricted to the transcript of trial  
29      before the magistrate?  
30



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of the Freedom of Information Act

and to make such records

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the most efficient manner

possible and to the greatest

extent practicable

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1 A. No, no.

2 THE COMMISSIONER: No. No.

3 A. No, I did not say that. I said  
4 that that is our general policy that we do  
5 not commence appeals. Now, if it may have  
6 been - and I didn't read the transcript - that  
7 it may have been that Mr. Walsh, and I would  
8 not want to criticize him, and I want this  
9 to be made clear, but it may be that Mr. Walsh  
10 simply commenced this appeal with a view to  
11 correcting what he thought was the wrong  
12 application of reasonable doubt by the magistrate.  
13 Now if that were the case, and it happened  
14 today, and I were writing the letter rather  
15 than Mr. Common, I would write the same type  
16 of letter.

17 MR. MACKINNON: Q. Maybe I better read  
18 this further - I overlooked this, at page 8739,  
19 and possibly I should have asked Mr. Common  
20 this, but I have forgotten to do so:

21 "Q. Wasn't Mr. Maloney involved  
22 "in this case?

23 "A. He was trial counsel in both  
24 "cases.

25 "Q. Were you led to believe he  
26 "was speaking to the Attorney-  
27 "General's Department?

28 "A. Yes, Mr. Common told me.

29 "Q. Mr. Common told you Mr. Maloney  
30







1 "had spoken to him?

2 "A. Yes.

3 "Q. And you were therefore

4 "restricted to your evidence on

5 "the trial de nova?

6 "A. I had my instructions."

7 From that it would appear that Mr. Maloney  
8 did speak to Mr. Common?

9 A. I'm not sure, but I think there  
10 may be some correspondence, and in that case  
11 perhaps he did but I am not certain of that.  
12 I know nothing of that. I have no knowledge  
13 with respect to that.

14 Q. But you can't remember having  
15 any conversation about that matter with Mr.  
16 Walsh, and so when he says there was a con-  
17 versation with Mr. Bowman and he wouldn't like  
18 to take two bites at the cherry, you can't  
19 recollect that?

20 A. No. I spoke to Mr. Walsh right  
21 after he left the hearing, when he gave that  
22 evidence, and it was he who told me that he  
23 was not referring to me. I asked and found  
24 that was so, and he really meant Mr. Common  
25 and not Bowman.

26 Q. Yes, I see. Incidentally, with  
27 regard to the pinball machines, did you receive  
28 any representation from any of the pinball  
29 machine distributors that their machines wouldn't  
30







1 be destroyed or seized?

2 A. I don't think I have received  
3 any that came to me. I have no doubt that  
4 people have made representations. I know  
5 they did over in Welland some time around  
6 1952 or '3, there were a great number of machines  
7 seized there, and there were representations  
8 made, and ofcourse there was suggestions  
9 go to Ottawa, because once the order is made  
10 there, there is nothing we can do about it.  
11 The application that was made to Ottawa was  
12 turned down, and in any event the machines  
13 were destroyed.

14 Q. Well, the Commissioner said to  
15 you that he supposed a warning would suffice  
16 to these people, but there was never any  
17 warning given to these people, was there,  
18 or instructions from your Department that  
19 they were contravening the Criminal Code?

20 A. Not ---

21 THE COMMISSIONER: That is not what I  
22 had in mind. I didn't mean to infer that  
23 they should go out to the crossroads and  
24 say to the little corner grocer, "You mustn't  
25 have this machine", I was just suggesting  
26 that the policy of the Crown Attorney - what  
27 is his name - Walsh - suggested it would  
28 amount to a warning to others if there was  
29 prosecution in the district.  
30



The first part of the report deals with the general situation of the country, and the second part with the specific details of the case. The first part is divided into two sections, the first of which deals with the general situation of the country, and the second with the specific details of the case. The second part is divided into two sections, the first of which deals with the general situation of the country, and the second with the specific details of the case.



1 A. That's right.

2 THE COMMISSIONER: You and Mr. MacKinnon  
3 and I know, in a country area news like this  
4 is big news and the local paper gets it and  
5 so forth, and it comes to their knowledge  
6 and in that way there would be <sup>a</sup> warning to them  
7 that the machines they had in their premises  
8 were illegal - that is all I had in mind.

9 MR. MacKINNON: So far as the Criminal  
10 Code in this connection, it is still the same  
11 today as it was when it was first amended?

12 A. There has been no change.

13 Q. No change.

14 MR. MacKINNON: That is all, thank you.

15 MR. LAWLER: No questions.

16 MR. ROSE: No questions, thank you, sir.

17 MR. WILSON: No further questions.

18 THE COMMISSIONER: Thank you.

19  
20 ---The witness withdrew.

21  
22  
23 MR. WILSON: I would call Mr. Magone.

24 THE COMMISSIONER: How long are you  
25 going to be, I intended leaving early.

26 MR. WILSON: I wasn't going to ask him  
27 any questions, I said I would produce him  
28 for cross-examination.

29 MR. MacKINNON: Only one or two questions,  
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1 briefly.

2 THE COMMISSIONER: The only reason I  
3 asked is that I have a personal message to  
4 attend to, and I would like to get away a  
5 little earlier, today. All right,

6 MR. WILSON: I indicated that I would  
7 produce Mr. Hagons for my friends.  
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1 CLIFFORD H. NAGONE, Recalled

2  
3 EXAMINED BY MR. NAGONE:

4 Q. Mr. Nagone, only one or two  
5 areas --

6 A. Before I start, for a moment,  
7 may I start by saying that in relation to  
8 the pinball machines, because I noted that  
9 in the evidence taken given here previously,  
10 by some of the police officers, that they  
11 indicated that they were suspicious of the  
12 officials of the Attorney-General's Department  
13 in relation to the pinball machines and the  
14 instructions that they received from the  
15 Department in relation to them.

16 Now the whole question of the pinball  
17 machines, after the enactment of the new Criminal  
18 Code came into force in 1955, as arose out  
19 of a letter that I wrote to J.C. Martin.

20 THE COMMISSIONER: Who?

21 A. Martin, the author of Martin's  
22 Criminal Code, based on the new volume. He  
23 was one of the Commissioners on the revision  
24 of the Code. In relation to Section 170,  
25 and the change that was made from the old  
26 section, in the old Code, and at that time  
27 Mr. Martin told me that there was no change  
28 in it and the Commissioner never intended there  
29 should be. Now that was followed, of course,  
30



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1 by Mr. Carson at the House of Commons when  
2 he made a statement to the House that there  
3 was no - that he was instructed that there  
4 was no change in that section. And subsequent,  
5 the re-arrangement was by including the one word  
6 in the section that wasn't there before.

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11 (Page 11826 follows)





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1 That is the word "amusement" in the second part  
2 of the section.

3 Now, after that representations were made  
4 to Mr. Carson by the Attorney General, and it  
5 was thought that the section would either have  
6 been repealed ---

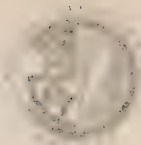
7 THE COMMISSIONER: Representations were  
8 made by the Attorney General to Carson, you  
9 mean?

10 A. Yes.

11 Q. Not Carson to the Attorney General?

12 A. By the Attorney General to Carson  
13 in Ottawa, and it was thought that either the  
14 section would have been repealed or that it  
15 would have been brought to the attention of  
16 Parliament, about the enactment which hadn't  
17 been done. One question was -- one question  
18 that was asked, I think, was, "What did Mr.  
19 Carson do?" My recollection is that Mr.  
20 Carson wrote to all the Attorney Generals  
21 across Canada and brought to their attention  
22 representations that had been made by Ontario,  
23 and that some of them protested against its  
24 repeal.

25 Now, I think that arose out of two  
26 decisions of the Supreme Court of Canada  
27 declaring provincial legislation in relation  
28 to stopping their machines ultra vires, and  
29 that legislation was aimed at the very type of  
30



There is no "question" in the sense of

of the question.

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1 machine that was covered by the enactment by the  
2 new section of the Criminal Code just passed  
3 in error. Now, that is, as I understand  
4 the situation, nothing has been done to-day  
5 and the section is still as it was.

6 Now, the reason for the instruction to  
7 lay off these pinball machines that were not  
8 really gambling machines, even with the new  
9 wording in the Section 170 of the Code,  
10 the reason for the instruction to lay off,  
11 was never given to the Provincial Police.  
12 They were just given instructions, "Now, this  
13 is the policy", and not to prosecute these  
14 little corner grocery stores and to go out  
15 on a real campaign in relation to this type  
16 of machine. That is the situation.

17 Now, I am ready, Mr. Mackinnon.

18 MR. MACKINNON: Q. Could you have  
19 prosecuted the distributors of these machines?

20 A. I beg your pardon?

21 Q. Could you have prosecuted the dis-  
22 tributors of these machines?

23 A. I presume so.

24 Q. Did you so do?

25 A. I don't know, I left the Department  
26 shortly afterwards. I was the "Deputy from 1947  
27 to 1957, and I left on the 1st of May.

28 Q. This is, so far as the distributors  
29 are concerned, a fairly big business, forgetting  
30



6. The following are the names of the persons who have been appointed as members of the committee:





1 this descriptive term of the small corner grocery  
2 store, so far as the distributors are concerned  
3 it is a fairly big business, isn't it?

4 A. Well, I suppose Coca-Cola is too,  
5 but I mean it's not -- I'm quite sure it isn't  
6 a big business in relation to what was  
7 illegal, an illegal machine prior to the --  
8 prior to the new section going in the Criminal  
9 Code.

10 Q. Did you have any knowledge of  
11 the people -- the type of people who were  
12 doing the distribution of these particular  
13 machines?

14 A. No, I don't think I knew any  
15 of them.

16 Q. And November 24th, 1954, take  
17 your mind back that far?

18 A. Yes, I remember that.

19 Q. We have had evidence here from  
20 Chief Justice Porter that on the morning of  
21 that day he received a telephone call from  
22 Mr. Tom Kennedy and that he then requested  
23 you to find out what it was all about, and  
24 that you, in a half an hour or so, came  
25 back and reported that the matter was all  
26 over, and that the found-ins or whatever  
27 they were called had been released. Mr.  
28 Davis stated that he doesn't remember  
29 receiving a phone call from anybody about  
30



[illegible]



1 this matter. Now, can you tell us, or do you  
2 have recollection as to what you did as a  
3 result of the directions given by you to the  
4 then Attorney General?

5 A. No, I cannot. I tried to recall  
6 in my mind something about it after I read  
7 what the Honourable Mr. Porter said, and  
8 it would be -- there would be maybe dozens  
9 or hundreds of routine matters that might  
10 be asked by the Attorney General to attend  
11 to. I haven't any recollection of telephoning  
12 Mr. Davis at all. In fact, Mr. Mackinnon,  
13 I -- before this evidence was given, and  
14 before the Commissioner started his sittings,  
15 I went out to see Mr. Davis to try and find  
16 out whether any person in the Department  
17 had phoned him, and he told me no, that  
18 they hadn't. He didn't recollect any, and  
19 I certainly had no recollection.

20 Q. I suppose you don't, of course,  
21 contradict the Honourable Mr. Porter's  
22 evidence that you did report back to him  
23 with some information?

24 A. Not for a moment.

25 Q. You must have obviously got that  
26 from somewhere?

27 A. I don't for the moment suggest  
28 that he is wrong in what he says. Undoubtedly  
29 I did what he says I did. The only  
30







1 recollection I have, of course, of this particular  
2 case, is because it was an extraordinary  
3 proceeding -- the section of the Criminal Code  
4 is a most extraordinary section of the  
5 Criminal Code, as you know. It gives authority  
6 on mere suspicion, to the police officers with  
7 a warrant, to arrest every person that is  
8 found in an establishment and named in the  
9 warrant, and to bring them before a Justice  
10 of the Peace, and have them interrogated  
11 under oath, and it is only because of that  
12 that I recollect the case at all.

13 THE COMMISSIONER: There is something  
14 that everybody seems to have overlooked and  
15 it has struck me -- it strikes me that there  
16 is considerable significance to it. Once  
17 again, Mr. MacKinnon, would you listen to me  
18 instead of paying attention to Mr. Greer.  
19 You recall that Mr. Davis when he was giving  
20 evidence said that Mr. Gebirtig -- I think  
21 it was Gebirtig, but I am not sure -- was  
22 he the one ---

23 MR. MACKINNON: Yes ---

24 THE COMMISSIONER: Gebirtig was voluminous  
25 in his discussion with Davis with respect to  
26 these men having been detained from 3.00 or  
27 4.00 o'clock in the morning till 9.00 o'clock  
28 without any opportunity to get bail, and  
29 that he, Gebirtig, presumably lectured Davis  
30







1                   if  
2 about it. Now, Gebirtig felt that way about  
3 it, it wouldn't be unreasonable to conclude  
4 that Gebirtig went about getting some message  
5 through to the Attorney General's Department  
6 about this procedure, and the present witness,  
7 and it is most unusual, and then it is  
8 suggested in sort of a lefthanded way that  
9 the late Mr. Kennedy was the one who telephoned  
10 the Attorney General's Department.

11           MR. MACKINNON: It is not lefthanded,  
12 we have evidence directing -- proper evidence  
13 that Kennedy did phone him.

14           THE COMMISSIONER: I didn't think he  
15 identified the man he called.

16           MR. MACKINNON: He did identify him.

17           THE COMMISSIONER: I see.

18           MR. MACKINNON: There is nothing left-  
19 handed about that.

20           THE COMMISSIONER: Then, all right, that  
21 information may have come from Kennedy from  
22 Gebirtig. Gebirtig is the man who is  
23 incensed about the whole thing.

24           MR. MACKINNON: Well, Gebirtig has  
25 denied that for what -- you can assess that  
26 evidence for what it's worth.

27           Q. In any event, I just want to  
28 follow on to what happened after ---

29           THE COMMISSIONER: But this witness  
30 doesn't have any recollection.







1 A. I have no recollection of phoning.

2 MR. MACKINNON: Q. You mentioned that  
3 the character of this legislation, this  
4 particular section, did Inspector Tomlinson,  
5 who was then the head of the Anti-Gambling  
6 Squad, did he not discuss the use of this  
7 section with you prior?

8 A. I would have thought so, Mr.  
9 MacKinnon, because it was the first time  
10 that I recollect that section having been  
11 used. I think it is a section that should  
12 have been used with the greatest restraint,  
13 and only on exceptional circumstances. Many  
14 attempts have been made, as you have heard,  
15 to get the evidence of these illegal  
16 gambling in these clubs, and he must have  
17 spoken to me or some one must have spoken  
18 to me about it. The section of course  
19 authorizes, as I said, that it is an  
20 extraordinary procedure, and it grants  
21 immunity to the person who gives evidence  
22 before the Justice of the Peace. They  
23 can't be prosecuted.

24 THE COMMISSIONER: On the basis of  
25 admission?

26 A. Yes, on admission. I think the  
27 new section, the new Code even goes farther  
28 than that old one, my lord. The old  
29 section of the Criminal Code did provide  
30 that, in the opinion of the Justice of the



1. I have been thinking of you very much lately.  
2. I hope you are well and happy.  
3. I have been thinking of you very much lately.  
4. I hope you are well and happy.  
5. I have been thinking of you very much lately.  
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28. I hope you are well and happy.  
29. I have been thinking of you very much lately.  
30. I hope you are well and happy.





1       Pence before when evidence was taken, that they  
2       were giving truthful evidence, that they  
3       were excused from any prosecution arising  
4       out of the illegal gambling. I think the  
5       new section goes a little further and is very  
6       much shorter than the old one.

7               MR. MACKINNON: Q. The only reason I  
8       raise that, Mr. Nagone, is that I believe  
9       in one of the newspaper reports which Mr.  
10      Wilson has filed, it is stated apparently  
11      that in an interview with some one at the  
12      Attorney General's Department who advised  
13      the reporter who was writing the story that  
14      the Attorney General knew that this procedure  
15      was going to be followed.

16             A. I would have thought so.

17             MR. MACKINNON: All right, thank you.

18             THE COMMISSIONER: Questions?

19             MR. LAWLOR: No questions, my lord.

20             MR. EDGE: No questions, thank you, sir.

21             THE COMMISSIONER: That's all, Mr. Nagone.

22  
23       ---The witness withdraws.

24  
25             THE COMMISSIONER: We will adjourn until  
26       to-morrow morning at 10.00 o'clock.

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28       ---Whereupon the hearing adjourned at 4.25 p.m.  
29       until 10.00 a.m., Friday, October 5, 1962.  
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ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

Date Fri., Oct. 6, 1962,

pp 11,834 -- 12,031



Supreme Court Reporters

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Toronto







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| 279        | 11878       | Court of Appeal decision in Regina v. Lafrade  |
| 280        | 11880       | Report of Professor Desmond Norton   |
| 281        | 11893       | Newspaper clipping   |
| 282        | 11913       | Interior of Ground Observers Corps Post No. 326, known as Centre Road Veterans Club                                |
| 50-B       | 11913       | Photograph of outside of Ground Observers Corps Station 326, taken from outside, added to Exhibit 50-A             |
| 283        | 11940       | Letter, dated May 6, 1957, to W.B. Common from Commissioner McNeill, with Sergeant Hatch's report attached thereto |
| 284        | 11958       | Memo from Mr. Common to Mr. Roberts, dated 12th July, 1957   |
| 285        | 11963       | Letter from Commissioner McNeill to W.B. Common, dated 14th November, 1957   |
| 286        | 12022       | Memorandum to the Hon. A.K. Roberts, Q.C., from Commissioner W.H. Clark, Commissioner for Police for Ontario       |
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FRIDAY, OCTOBER 5TH, 1962

---On resuming at 10:15 o'clock a.m.

MR. WILSON: I am calling the Attorney-General this morning.

A. KELSO ROCHAETS, sworn

EXAMINED BY MR. WILSON:

Q. You have been in public life in this Province for a number of years?

A. Yes, Mr. Wilson. I was first elected a Member of the Legislative Assembly of the Province of Ontario in 1943 as the Progressive Conservative for the riding of St. Patrick. I entered public life as a candidate in the 1937 election and then on my first try, defeated. As a matter of fact, sir -- it may interest you, Mr. Commissioner -- tomorrow, the 6th of October, will be a twenty-five year anniversary of this first effort. Perhaps without pardonable pride I can say ever since that time have I been defeated at the polls. I was re-elected in 1945. I did not contest the 1948 election but in 1951 I was re-elected in the same riding and I held my seat in the Legislature through two further elections.



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MR. BREWIN: Before he goes on ---

THE WITNESS: 1955 and 1959.

MR. BREWIN: Are we concerned with Mr. Roberts' election and re-elections? I thought you were rather against us having political speeches.

THE COMMISSIONER: I am not particularly concerned.

THE WITNESS: Well, it is pretty self-evident to everyone in the room ---

THE COMMISSIONER: Just a moment, please. I suppose he has to warm up to his subject a bit.

MR. BREWIN: I thought we weren't going to discuss political careers.

MR. MACKINNON: Mr. Commissioner --- Perhaps something a little more relevant -- If Mr. Wilson and Mr. Roberts are going to read from a prepared brief, I wonder if I might have a copy of it?

THE WITNESS: Nobody has a prepared brief. I have rather copious notes.

MR. WILSON: I haven't got a copy of what the witness says.

MR. MACKINNON: You just have a copy of the questions?

MR. WILSON: No, I have a copy of certain matters I want to ask the witness about.

MR. MACKINNON: Obviously the witness is



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1 prepared to answer those questions.

2 THE WITNESS: I am quite prepared to  
3 answer your questions, too, when you come along.  
4 Don't worry about that.

5 MR. MACKINNON: I would like a copy of  
6 this. It will shorten my note-taking.

7 THE COMMISSIONER: A copy of what?

8 MR. MACKINNON: What the witness is reading  
9 from.

10 THE WITNESS: I am reading from my notes,  
11 Mr. Commissioner, that I prepared.

12 MR. MACKINNON: Always so well prepared  
13 to answer certain questions he knows are going  
14 to be asked.

15 MR. WILSON: Now that my friend has  
16 made a political speech, maybe we can get on  
17 with it.

18 THE COMMISSIONER: All right, gentlemen.  
19 Let us quieten down just a moment. He has got  
20 some notes which is perfectly in order.

21 MR. WILSON: I have also some notes, too,  
22 Mr. Commissioner.

23 THE COMMISSIONER: That is all right.

24 THE WITNESS: Mr. Commissioner, I think  
25 perhaps it would be appropriate also to say  
26 I was honoured by former Premier Frost in  
27 August 6th, 1955 -- This is very relevant --  
28 by being invited to join his Government as a  
29 member of the Executive Council and as Attorney-  
30



[illegible]



1 General of the Province of Ontario.

2 THE COMMISSIONER: Q. Then you became  
3 Attorney-General?

4 A. Then I became Attorney-General.

5 Q. When?

6 A. I was sworn in on the 17th of  
7 August, 1955. This, of course, involved for  
8 me a very important decision with respect to  
9 private practice and after talking with my  
10 associates at the time I resigned from private  
11 practice, left the firm, have had no connections  
12 with it since as a practising attorney and I  
13 actually did resign at that time from all  
14 directives that I held and have given since  
15 that time full and undivided attention to  
16 the office of the Attorney-General of the  
17 Province. And, as a matter of fact, my experience  
18 has been that that is essential.

19 I wish to state that I have been true  
20 to my oaths of office. I have, to the best  
21 of my ability, whatever it may be, given  
22 undividedly of my time and efforts to the  
23 carrying out of the duties and responsibilities  
24 of the office of Attorney-General, of this  
25 great Province and for the improving, as I  
26 hope, administration of justice and law  
27 enforcement in this Province. I can say  
28 without hesitation, sir, that I have never  
29 made a decision which in my view was in any  
30







1 way contrary to those objectives.

2 MR. WILSON: Q. Now, you are quite  
3 familiar with the speech made by the Leader  
4 of the Opposition, Mr. Wintermeyer, on November  
5 29th, 1961? Exhibit 3.

6 A. Yes, the terms of reference which  
7 I know have been repeated here many times but  
8 I would like to mention No. 2 with which I am  
9 particularly concerned, and my Department is  
10 particularly concerned, and I quote from  
11 the reference:

12 "Any improper relationships, as  
13 "alleged by the Leader of the  
14 "Opposition in his speech of  
15 "November 29th, 1961, between  
16 "senior officials of the legal  
17 "staff of the Department of the  
18 "Attorney-General and any person  
19 "or persons, and more particularly  
20 "relating to (a) the termination  
21 "of investigations, (b) the suppression  
22 "of evidence, and (c) the payment  
23 "of money."

24 In this speech of denigration of many  
25 people, by the Leader of the Opposition, I  
26 am mentioned in a number of places and in  
27 certain terms, which I will refer to and which  
28 may constitute charges against me as follows:  
29 "(1) Under termination of investigation" above  
30



(1) The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study.

(2) The second part of the report is a detailed description of the study area. It includes information about the location of the study area, the population of the study area, and the characteristics of the study area. It also discusses the data sources used in the study.

(3) The third part of the report is a detailed description of the study results. It includes information about the findings of the study, the conclusions drawn from the findings, and the implications of the findings. It also discusses the limitations of the study and the need for further research.

(4) The fourth part of the report is a conclusion and recommendations section. It summarizes the main findings of the study and provides recommendations for future research and policy-making.





1 at page 103 of Hansard of the 29th of November ---

2 MR. WILSON: Q. Just go a little slower  
3 so we will get these references.

4 A. Page 103 of Hansard of November,  
5 the speech of November 29th, 1961. After  
6 reciting certain information gleaned from  
7 the examination of Constable Scott's diary,  
8 which must have been shown to him, of course,  
9 by somebody, the Leader of the Opposition said  
10 and I quote ---

11 THE COMMISSIONER: Q. Mr. Roberts, it  
12 might be helpful if you would indicate to me  
13 the heading. The first was "Termination of  
14 Investigations"?

15 A. Yes, sir.

16 Q. Then we can come back and take  
17 it seriatim.

18 A. Yes, sir. I think I am doing  
19 it that way in the way I have it prepared here.  
20 I am taking these three and trying to carry  
21 through on them, sir.

22 Q. If you will just give me the  
23 headings of the three, then go back.

24 A. The first one I refer to here is  
25 termination of investigations, suppression  
26 of evidence. Now these two, as I point out,  
27 are found in a language that eventually -- to  
28 use the expression "libel", that isn't the  
29 right word -- but actually they are devolved in  
30



[illegible]



1 the paragraph. Two charges are put together  
2 and rolled up. They are rolled up, is what  
3 I am thinking of.

4 Q. I have read the speech many,  
5 many times. The third?

6 A. The third is the payment of money  
7 and then there are two others I'd like to  
8 mention here as I go along, sir.

9  
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12 (Page 11850 follows)



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THE COMMISSIONER: All right.

THE WITNESS: And I would like to quote from the words of the Leader of the Opposition at page 103.

THE COMMISSIONER: Q. Are we back on No. 1, now?

A. Yes, sir, the stoppage.

"That being the case, and recognizing that the police themselves would want the investigation to continue, . . . " -- and these are the words of the Leader of the Opposition --

" . . . recognizing that the police themselves would want the investigation to continue, what conclusion is possible but that it was stopped on the orders of the hon. Attorney-General?"

And that is the end of the quote I wish to make at the moment, and at that point I said in the Legislature:

"I would just like to say that that is an absolute and completely false conclusion."

That also appears in Hansard.

And then under the suppression of evidence, the Leader of the Opposition devoted a considerable number of words commencing at the middle of the first column, page 102, with



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... all time.

That with all: And I would like to know

from the words of the person at the beginning

as back in.

The investigation: It has been on

the 1st day

A. For, etc, the purpose.

... being the case, and recognizing

"That the police themselves would

"... the investigation to continue."

and would also the words of the person at the

Conclusion --

"... recognizing that the police

"... would not be in a position

"... to continue, when

"... in a position to do so

It was accepted as the matter

"of the fact, according to the

and that at the end of the period I wish to know

of the result, and at last what I said to

the investigation

I would, at this time to say this

"is an absolute and complete failure

..."

That was spoken in English.

and then about the organization of the

the report of the investigation, which is now

... of the investigation, which is now

... of the investigation, which is now



1 the words:

2 "Now, Mr. Speaker . . . "

3 Your lordship has a copy. I don't think it is  
4 necessary for me to read all this.

5 Q. Is that on the left hand column?

6 A. That is on the left hand column,  
7 commencing with the words, "Now, Mr. Speaker".

8 Q. Yes, I see that.

9 A. And ending on page 103 with, "on  
10 the orders of the hon. Attorney-General?"

11 Sir, I can either read that or ask these  
12 words be incorporated into the record and  
13 taken as read from Hansard.

14 Q. That is all right.

15 A. I would like to have those words  
16 from the beginning to the end in that. Shall  
17 I read them?

18 Q. As you wish.

19 A. Page 102:

20 "Now, Mr. Speaker, I have said  
21 "there has been evidence given in  
22 "court on all these matters I have  
23 "listed. The hon. Attorney-General  
24 "and others may say it is hearsay  
25 "evidence. I agree with him, and I  
26 "will deal with that point in a  
27 "moment. Before I do, however,  
28 "I wish to give the House some  
29 "information which has not been given  
30





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*[Faint handwritten notes at the bottom of the page]*

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1 "in court.

2 "As most hon. members may know,  
3 "most of the matters I have just  
4 "enumerated result from an undercover  
5 "investigation by Constable George  
6 "Scott of the anti-gambling squad of  
7 "the Ontario Provincial Police, who  
8 "was instructed by his superiors to  
9 "accept a proposition from Robert J.  
10 "Wright that he supply warnings  
11 "about raids and other information  
12 "on the activities of the anti-  
13 "gambling squad to certain gamblers,  
14 "who were later identified as  
15 "Vincent Feeley and Joseph  
16 "McDermott.

17 "Constable Scott, as is cus-  
18 "tomary, kept an official diary of  
19 "that undercover investigation and  
20 "also supplied progress reports,  
21 "directly to Assistant Commissioner  
22 "Kennedy and Commissioner W.H. Clark  
23 "who we may assume kept the hon.  
24 "Attorney-General informed. Con-  
25 "stable Scott's diary was not  
26 "submitted in evidence at the trial  
27 "of Wright, Feeley and McDermott,  
28 "but because it formed the basis  
29 "of the Crown's case, copies were  
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1 "supplied to the three defense counsel.

2 "Mr. Speaker, most of the entries in

3 "the diary came out in court, but

4 "some did not. I shall read the

5 "relevant items which were left out,

6 "omitting the names of the individuals

7 "concerned.

8 "An entry on February 29, 1960,

9 "reported that Wright told Scott and

10 "I quote:

11 "'Said the fix was in at Queen's

12 "Park, re cancellation of the

13 "Vets Club charter."

14 "An entry concerning a phone

15 "call on May 14, 1960, reported that

16 "McDermott told Scott:

17 "'May have inspector bribed at

18 "'St. Kitts,' and 'intimated --

19 "'(and here the name of a senior

20 "'official of the department of

21 "'the hon. Attorney-General) --

22 "'on payroll. Said to ask --

23 "'(and again the name of the

24 "'official) -- something and I'll

25 "'tell you what he has said the

26 "'next day.'

27 "The entry for this date further

28 "reported when McDermott 'Talked about

29 "the branch being stopped from using



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1 "hammers at Cooksville and being told  
2 "to time the door." Another entry  
3 "dated May 16, 1960, said:

4 "Bartlett received money from  
5 "McDermott for telling when  
6 "warrants were signed. Received  
7 "\$2,000 once at a party with -- '  
8 "And then a member of a previous govern-  
9 "ment is named.

10 "An entry concerning a meeting  
11 "of Scott, Wright and Lawrence on  
12 "May 17, 1961, reported that Lawrence  
13 "said senior official of the hon.  
14 "Attorney-General's department was  
15 "receiving \$800 a month from the  
16 "gamblers.

17 "Mr. Speaker, why were these  
18 "entries in Constable Scott's diary  
19 "not introduced in evidence? No  
20 "doubt the hon. Attorney-General may  
21 "say it was all hearsay evidence,  
22 "but not even the sort of thing to  
23 "be read in court without the support  
24 "of other evidence. Why then, Mr.  
25 "Speaker, were many of the matters  
26 "which I have given to this House  
27 "read into evidence? Most of them,  
28 "the references to Lawrence, to  
29 "Lamorie, to Cronin, to Bartlett,







1 "and so on, were on the same legal footing  
2 "as the references which were not dis-  
3 "closed. The references to Stringer  
4 "and to Wright were substantiated by  
5 "other evidence but the remainder were  
6 "not. Why then were some put in and  
7 "others not?

8 "I suggest the answer is very  
9 "clear. Constable Scott's investigation  
10 "lasted nearly four months, from  
11 "February to May of 1960, his purpose  
12 "was to ingratiate himself with the  
13 "gamblers, gain their confidence and  
14 "to eventually deal with them on a  
15 "face-to-face basis, so that  
16 "incontrovertible evidence could be  
17 "secured. The provincial police no  
18 "doubt set great store by this  
19 "investigation. Here were big-time  
20 "gamblers who had evaded conviction  
21 "for years; finally the police had  
22 "succeeded in planting an undercover  
23 "agent in their midst.

24 "The information Constable  
25 "Scott gathered during those four  
26 "months was undoubtedly valuable but  
27 "obviously the police felt he had  
28 "by no means exhausted all the  
29 "possibilities especially the  
30







1 "Possibility of face-to-face contact  
2 "with the gamblers. Mr. Speaker,  
3 "there has been absolutely no  
4 "suggestion that Constable Scott's  
5 "true purpose was discovered by the  
6 "gamblers. That being the case, and  
7 "recognizing that the police them-  
8 "selves would want the investigation  
9 "to continue, what conclusion is  
10 "possible but that it was stopped  
11 "on the orders of the hon. Attorney-  
12 "General? The reference to the  
13 "member of the previous government --- "

14 And then I have already quoted what I said at  
15 that time.

16 Now, I read that into the record. The  
17 charge. And these paragraphs seem to contain  
18 what the Leader of the Opposition indicates  
19 are his reasons for alleging both stoppage  
20 of investigation and suppression of evidence.  
21 I interpret his allegation of suppression  
22 as based on the fact that certain slanderous  
23 and, as I believe, untrue statements  
24 contained in the Scott diary referring to a  
25 senior official of the Department of the  
26 Attorney-General, were not introduced in  
27 evidence in the case of Regina v. Wright,  
28 Feeley and McDermott on a conspiracy charge  
29 heard in May and June of 1961 before the  
30



The following is a list of the names of the persons who have been identified as having been in contact with the subject of this investigation, and who have been identified as having been in contact with the subject of this investigation, and who have been identified as having been in contact with the subject of this investigation.





1 Honourable Mr. Justice Spence and a jury.

2 This trial, as well as the preliminary  
3 hearing leading up to it, was conducted by  
4 special Crown Prosecutor Gordon Ford, Q.C.,  
5 who was in no way restricted or interfered  
6 with in his duties and responsibilities in  
7 the proper conduct and presentation of the  
8 case for the Crown.

9 You have had his evidence here already,  
10 sir, and I need not refer to it or say more  
11 than that.

12 One would think in reading from the  
13 speech of the Leader of the Opposition that  
14 he knew more about what would be relevant  
15 evidence than the trial Judge, himself.

16 In any event, it is obvious that the test  
17 from the Crown's point of view in the  
18 presentation of evidence would be whether  
19 any of these items I have just read from  
20 Wintermeyer's speech would add anything to  
21 the Crown's case. If not, then they ought  
22 not to have been in the evidence. I am  
23 informed that the admissibility of certain  
24 statements in the Scott diary were argued  
25 before the presiding Judge, the Honourable  
26 Mr. Justice Spence, and ruled upon by him.

27 The defence cross-examination at the  
28 time would also be a means for introducing  
29 relevant testimony.  
30



[illegible]



1 Any suggestion of suppression of evidence  
2 in this connection is, in my view, wholly and  
3 completely unsupported by any facts whatever.

4 Now, I turn to the other part of that  
5 charge. The Leader of the Opposition also  
6 refers to three Ontario charters.

7 Q. What charge?

8 A. Not that charge. The further  
9 charge.

10 Q. What page are you reading from?

11 MR. WILSON: Q. Which of the charges,  
12 I think the Commissioner wants to know, are  
13 you going to direct yourself to now?

14 A. For the moment, sir, I was going  
15 to leave the question, although I will come  
16 back to it and deal with it in some more  
17 detail, but I think in order to get the  
18 history, I have to follow a certain line and  
19 I think, when I finish, you will appreciate ---

20 THE COMMISSIONER: Q. Are you referring  
21 to another part of the stoppage now, or to  
22 another charge?

23 A. I was going to refer to the  
24 charters. Then again, later, in more detail.

25 MR. WILSON: Q. We have quite a bit of  
26 evidence on charters in July, 1957. Is that  
27 what you mean?

28 A. Yes. I want to mention that .  
29 I want to, in an introductory way, get there  
30

[illegible]





1 charges focused properly.

2 The Leader of the Opposition also refers  
3 to three charters to Ontario clubs granted in  
4 July, 1957, and made a number of statements  
5 in connection therewith, and with a press  
6 release about them, which I issued on July 18th,  
7 1957, which may have some elements of charges  
8 against me by him.

9 I mention that because that is another  
10 item I am treating in the same category.

11 I might say, when I first took office,  
12 the former Commissioner assigned the present  
13 Commissioner to be the driving force in the  
14 field of traffic work, which was greatly  
15 stepped up in the autumn of 1955 and 1956.

16 MR. BREWIN: May I say a word?

17 THE WITNESS: I am just referring to the  
18 present Commissioner. I came to know the  
19 present Commissioner very well even before  
20 he was appointed Commissioner.

21 THE COMMISSIONER: That is all right.

22 MR. BREWIN: Mr. Commissioner, the way  
23 this matter is conducted is a matter for you  
24 and my friend, but surely the evidence of  
25 this witness would be more valuable if,  
26 instead of him reading from a prepared  
27 memorandum, my friend question him about  
28 relevant matters in the usual way. I have  
29 had some experience and I don't recall this  
30







1 method of procedure whereby a witness comes in and  
2 reads a long prepared statement that he has  
3 apparently written down. I think we would  
4 get the facts from him if my friend  
5 questioned him about the relevant matters  
6 in his own way, in an orderly manner. This  
7 procedure, it seems to me, <sup>is</sup> not conducive  
8 to getting the facts.

9 THE COMMISSIONER: What the witness is  
10 doing, as I understand, he is taking this  
11 and dividing it into three chapters. One,  
12 the termination of investigation. Two,  
13 suppression of evidence.

14 THE WITNESS: And, three, the charters,  
15 payment of money.

16 THE COMMISSIONER: Payment of money.

17 THE WITNESS: And the charters.

18 THE COMMISSIONER: Now he is going to  
19 take part of the speech which he says reflects  
20 adversely on him, and he is going to give  
21 his part of the story. Now, is there  
22 anything the matter with that?

23 MR. BREWIN: Yes, sir, with respect.

24 THE COMMISSIONER: Why?

25 MR. BREWIN: There is something the  
26 matter with it. It is perfectly normal for  
27 a witness to refresh his mind by referring  
28 to some memorandum or something he made at  
29 the time.  
30





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1 THE COMMISSIONER: You have been in  
2 practice long enough to know this. You have  
3 been at trials where a witness stands up in  
4 the witness box and is asked two or three  
5 preliminary questions and then he is, as it  
6 were, given his head. "Tell the judge and  
7 the jury your side of the story. What is it?"  
8 And then he goes on and tells the story --  
9 just a minute -- he goes on and relates in  
10 his own way his side of the story. Then  
11 questions are put to him with relation to  
12 different parts of what he said. I have  
13 no doubt that is exactly what will happen  
14 here.

15 MR. BREWIN: Yes, but, sir, I don't  
16 think, from my experience, it is usual to  
17 permit a witness to read from a prepared  
18 statement.

19 THE COMMISSIONER: The witness is often  
20 told, "You can refer to your notes if you  
21 desire to do so." Particularly police  
22 constables. I see no objection to this,  
23 Mr. Brewin.

24 THE WITNESS: I will be referring to the  
25 quotes.

26 MR. BREWIN: It is from a prepared  
27 text, to which I am objecting.

28 THE COMMISSIONER: I suppose a lot of  
29 preparation went into the speech of Mr.  
30



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1 Wintermeyer. Four months went into it.

2 MR. WILSON: Six months.

3 THE COMMISSIONER: Surely a witness who  
4 is attacked is able to give some time to it  
5 and analyze it and put it down so he will  
6 have something to guide him in giving his  
7 evidence.

8 MR. BREWIN: I am not objecting to the  
9 witness giving his full side of the story.  
10 I have no doubt he will be given every  
11 opportunity to do so. What I am  
12 objecting to is contrary to the usual rule,  
13 and the best way, I suggest, is giving  
14 evidence instead of giving his evidence of  
15 what happened, or even refreshing his memory,  
16 he is just giving us a sort of prepared  
17 document or speech and I have not been used  
18 to hearing evidence given in that way.

19 THE COMMISSIONER: You are hearing it  
20 now and I am not going to stop it, Mr.  
21 Brewin.

22 MR. BREWIN: Very well.

23 THE WITNESS: I want to repeat, sir, it  
24 goes without saying that I have great  
25 confidence in Commissioner Clark.

26 The then Commissioner, E.V. McNeill,  
27 presented his annual report for the year  
28 1955, which was tabled in the Legislature  
29 about the 1st of March, 1956. It is 36-D  
30







1 of the Commissioner's exhibits, I believe. I  
2 have a photostatic copy of this part of it  
3 here. I would like to, for the record,  
4 reproduce at this time, on page 25 of this  
5 report, this statement of Commissioner McNeill:

6 "The three major gaming houses --  
7 "one in Toronto Township, County of  
8 "Peel, one in Bertie Township, County  
9 "of Welland, and one in Sandwich  
10 "South Township, County of Essex,  
11 "are still in operation and, as has  
12 "been noted in the past, they  
13 "operate under the guise as a  
14 "federal charter, using parking  
15 "attendants as look-outs, and heavily  
16 "reinforced doors and barricaded  
17 "windows to obstruct entry. Attempts  
18 "have been made in the past to gain  
19 "entry to these premises and every  
20 "attempt will be made in the future  
21 "to bring out the true facts  
22 "surrounding these so-called  
23 "legitimate clubs."

24 Now, that appears on page 25.

25 THE COMMISSIONER: What year is that?

26 THE WITNESS: For the report, for the  
27 year 1955, which came out, I think it was,  
28 early in March, 1956.

29 THE COMMISSIONER: And looking at page what,  
30







1 please?

2 MR. WILSON: 25.

3 THE COMMISSIONER: Page 25.

4 THE WITNESS: Permit me, sir, to say here  
5 and now that within four years from the delivery  
6 of that report, all three major gaming houses,  
7 as Commissioner McNeill termed them, were put  
8 out of business by the combined efforts of  
9 those charged with law enforcement and  
10 administration of justice, and with the co-  
11 operation of the Provincial Secretary's  
12 Department. That, in my opinion, constituted  
13 a job well done, and I wish to emphasize it  
14 now as I unfold my story.

15 THE COMMISSIONER: Q. Just a minute.  
16 We are all under quite a strain here. You  
17 just tell us the facts in a proper way without  
18 glorifying the record.

19 A. I would be quite happy with the  
20 facts, Mr. Commissioner. Furthermore, the  
21 bulk of the material used by the Leader of  
22 the Opposition in his speech of November 29th,  
23 1961, is material collected for or related  
24 to these cases; much of it from confidential  
25 files and reports and relating to Court  
26 cases now solved by the closing down of the  
27 establishments, and in two out of three  
28 clubs referred to, by trials and convictions  
29 of the operators. The principals about whom  
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1 so much has been said here were put out of  
2 business some time ago. I hope the law  
3 enforcement branches will be given some credit  
4 for that.

5 I produce a memorandum to Mr. W.B. Cannon,  
6 Q.C., from Commissioner Clark. I don't think  
7 this has been presented as an exhibit.

8 MR. WILSON: Q. From Clark to Cannon?

9 A. I would stress the date,  
10 April 18th, 1961, which would be in a period  
11 between the -- before the trial, the first  
12 trial of the three people I mentioned earlier.

13 Q. Is this a memo from whom?

14 A. A memorandum to Mr. Cannon from  
15 Commissioner Clark, and it is dated April 18th,  
16 1961.

17 THE COMMISSIONER: Is it in as an exhibit,  
18 Mr. Wilson?

19 MR. WILSON: I don't think so, Mr.  
20 Commissioner.

21 THE WITNESS: I would then ask it be  
22 marked as an exhibit.

23 THE COMMISSIONER: Let me have a look  
24 at it for a moment. (Produced)

25  
26 ---EXHIBIT NO. 278: Memo from Commissioner Clark  
27 to Mr. Cannon, dated 18th  
28 April, 1961.

29 THE COMMISSIONER: What was the date Wright  
30 was arrested?



as much as from other parts of the

country, and from the other

part of the country, and from the other

part of the country.

I have been to the other part of the

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1 MR. WILSON: May 28th, 1960.

2 Q. I think this was before the actual  
3 trial of the three. I think that was in May  
4 or June of 1961.

5 A. Yes, the end of May and early June,  
6 1961, was the first trial.

7 Q. Now, this report deals with organized  
8 gambling in the Province of Ontario, and in  
9 particular with four clubs. The Tisdale Club  
10 in Peterborough. The old Castle Country  
11 Club, Essex County. The Lorelei Club in the  
12 Township of Bertie. And the Alpha Country  
13 Club in the Township of Toronto. And, of  
14 course, the names by which these clubs were  
15 known from time to time during their career.

16 Now, is there any particular part of  
17 this?

18 A. I think it is a very important  
19 memorandum from beginning to end.

20 Q. Would you like to read it?

21 A. I thought you were going to relieve  
22 me of that.

23 Q. Would you like me to read it?

24 A. I would appreciate it if you would.

25 MR. WILSON: I would be glad to.

26 "Dated April 18th, 1962.

27 "Mr. W.B. Gannon, Q.C.,

28 "Deputy Attorney-General.

29 "Re Organized Gambling - Province of Ontario.







1 "In compliance with your telephone  
2 "request I have the honour to submit  
3 "this brief memorandum which deals with  
4 "four clubs which operated at different  
5 "locations in the province since 1953  
6 "until the arrest of the Provincial  
7 "Constable R.J. Wright, in May, 1960.

8 "The Alpha Country Club, better  
9 "known as the Centre Road Veterans  
10 "Association Club in the Township of  
11 "Toronto . . . "

12 THE COMMISSIONER: Just a moment. The  
13 Reporter does not need to copy down your words.  
14 It is in <sup>an</sup> exhibit.

15 MR. WILSON: Yes.

16  
17 --- (Mr. Wilson reads Exhibit 278.)

18 And that is the memorandum of Mr. Clark.

19 THE WITNESS: May I keep this copy?

20 MR. WILSON: Q. We have to file one. Have  
21 you not got another copy?

22 A. I have not at the moment, but I can  
23 get one.

24 MR. WILSON: We want the signed one put in.  
25 There is a copy. (Produced)

26 THE COMMISSIONER: You will have copies  
27 made of that?

28 MR. WILSON: We have.

29 THE WITNESS: Reference was made on page 4  
30







1 to the Angelo Lafrade case, and I would like to  
2 refer to that. It was a charge of gaming  
3 against Lafrade relating to the premises of  
4 the Alpha Club, which was incorporated, according  
5 to the Court of Appeal judgment, in 1924. And  
6 I am going to, my lord, submit a copy of the  
7 Court of Appeal's judgment, if I may, and  
8 ask that it be marked as an exhibit.

9 MR. WILSON: Q. Was that a reported  
10 decision?

11 A. Yes.

12 MR. WILSON: Maybe if you could give us  
13 the citation, it would help.

14 THE COMMISSIONER: 105, Canadian Criminal  
15 Cases, page 5.

16 THE WITNESS: I would refer to ---

17 THE COMMISSIONER: Just a moment.

18  
19 (Page 11875 follows)  
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1. The first part of the report is a general introduction to the project.

2. The second part of the report is a detailed description of the methodology used.

3. The third part of the report is a presentation of the results of the study.

4. The fourth part of the report is a discussion of the implications of the findings.

5. The fifth part of the report is a conclusion and a list of references.

6. The sixth part of the report is a list of appendices.

7. The seventh part of the report is a list of figures and tables.

8. The eighth part of the report is a list of abbreviations.

9. The ninth part of the report is a list of acknowledgments.

10. The tenth part of the report is a list of footnotes.

11. The eleventh part of the report is a list of references.

12. The twelfth part of the report is a list of appendices.

13. The thirteenth part of the report is a list of figures and tables.

14. The fourteenth part of the report is a list of abbreviations.

15. The fifteenth part of the report is a list of acknowledgments.

16. The sixteenth part of the report is a list of footnotes.

17. The seventeenth part of the report is a list of references.

18. The eighteenth part of the report is a list of appendices.

19. The nineteenth part of the report is a list of figures and tables.

20. The twentieth part of the report is a list of abbreviations.

21. The twenty-first part of the report is a list of acknowledgments.

22. The twenty-second part of the report is a list of footnotes.

23. The twenty-third part of the report is a list of references.

24. The twenty-fourth part of the report is a list of appendices.

25. The twenty-fifth part of the report is a list of figures and tables.

26. The twenty-sixth part of the report is a list of abbreviations.

27. The twenty-seventh part of the report is a list of acknowledgments.

28. The twenty-eighth part of the report is a list of footnotes.

29. The twenty-ninth part of the report is a list of references.

30. The thirtieth part of the report is a list of appendices.



C/1/SW  
1 THE COMMISSIONER: All right.

2 A. I would particularly want to  
3 refer to this, Mr. Commissioner, because it  
4 does illustrate, I think, clearly, some of  
5 with  
6 the problems, which the enforcement people have  
7 to contend. The facts, as set out in the  
8 judgment, show that in 1924, and I think there  
9 was even - I think it was even earlier than  
10 that, but in 1924 by Dominion charter - I  
11 think the earlier operation, earlier, but in  
12 any event they fix the date as 1924 by the  
13 Dominion charter as a non-profit making and  
14 recreational club with activities centering  
15 in and about the City of Peterborough, and  
16 in 1948 by a branch of the club in premises  
17 in Peel County in, I believe, the Centre Road  
18 location, of which much has been heard here.  
19 On March the 13th, 1952, a police raid  
20 took place when the police broke down the  
21 front door, entering the premises under a  
22 search warrant. These are also shown in the  
23 judgment, and I quote from the judgment of  
24 the Ontario Court of Appeal, the Court consisting  
25 of Hope, Aylesworth and F.G. Mackay, J.J.A.,  
26 delivered on the 4th of February, 1953, on  
27 the facts, and I am doing this because I  
28 think it is important that some of the difficulties  
29 in these cases be shown on the record of  
30 these proceedings. I quote:







1 " The police proceeded  
2 "immediately upstairs and found  
3 "some twenty or more persons  
4 "grouped around the billiard  
5 "table upon which, according to  
6 "the evidence, they had been playing  
7 "dice. The police also found  
8 "the following objects, namely: ---"

9 THE COMMISSIONER: How much are you going  
10 to read?

11 A. Well, sir, I did want to point  
12 these things.

13 Q. I was just asking how much you  
14 were going to read.

15 A. I am going to read it down to  
16 "registered club guests", for about half a page.

17 Q. Well, we are paying so much for  
18 the reporters, and all of this seems to be  
19 already in as an exhibit.

20 A. Well, sir, I want to point out  
21 that: "Dice, two blank squares of paper lying  
22 on one end of the billiard table, certain  
23 playing cards lying on the floor, a riding  
24 crop lying on top of the billiard - cue -  
25 rack, two 1-cent pieces lying on the billiard  
26 table, two other 1-cent pieces together with  
27 a crumbled piece of paper in one of the  
28 side pockets of the billiard table, another  
29 blank of paper on the floor or in a wastepaper  
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The first thing I noticed when I stepped out of the plane was the fresh air. It felt like a breath of life after being cooped up in a small, cramped space for hours. The sun was shining brightly, and the birds were chirping in the background. I took a deep breath and smiled at myself. I was finally here.

I walked towards the entrance of the building, feeling a mix of excitement and nervousness. The building was large and modern, with a glass facade that reflected the sunlight. I looked up at the entrance and saw a sign that said "Welcome to the University of the Future". I felt a sense of pride and accomplishment. I was about to start my journey at one of the best universities in the world.

I walked through the main hall, which was filled with people. Some were talking to each other, while others were looking at the information boards. I felt a bit lost, but I knew I had to find my way to the classroom. I asked a student for directions, and he pointed me in the right direction. I followed him and found my classroom. It was a large, modern room with comfortable chairs and a large screen at the front. The professor was already there, and he welcomed me to the class.

The professor started the lecture by talking about the importance of education in the future. He said that education was the key to a better future, and that we had to work together to create a world that was fair and just. He then started talking about the different fields of study that were available at the university. He mentioned science, technology, art, and literature. He said that we had to be well-rounded and that we had to be able to think critically and creatively.

I listened to the professor's lecture with great interest. I felt like I was in the right place. I was about to start my journey at one of the best universities in the world. I felt a sense of pride and accomplishment. I was about to start my journey at one of the best universities in the world.





1 basket and a cigar box at one end of the  
2 billiard table with nothing in it but some  
3 pieces of billiard chalk."

4 "They also observed one Presley -- "  
5 I don't know whether that is a free translation  
6 or not.

7 MR. WILSON: It must be a free translation.

8 A. "They also observed one  
9 "Presley standing near the cigar-  
10 "box with some \$250 in cash in his  
11 "hand. Presley was charged  
12 "jointly with the appellant but  
13 "the charge as against him was dismissed  
14 "by the learned Magistrate.

15 " Evidence was also called to  
16 "establish that the police had  
17 "kept the premises under surveillance  
18 "for three nights previous to the  
19 "night of the raid and that upon  
20 "each of these nights several  
21 "automobiles had been observed driving  
22 "to the premises and later the same  
23 "night or early in the following  
24 "morning driving away from the  
25 "premises, the number of occupants  
26 "of such vehicles apparently varying  
27 "from some 24 to 40.

28 " It was also established in  
29 "evidence that on the night of the  
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1 "raid all these found upon the  
2 "premises were either members of  
3 "the Club, applicants for member-  
4 "ship, or registered Club guests."

5 The headnote to the case, my lord, says ---

6 THE COMMISSIONER: Where?

7 A. At page 5, Volume 105, Canadian  
8 Criminal Cases,

9 "If positive and unshaken sworn  
10 "testimony adduced by the defence  
11 "raises a reasonable doubt of the  
12 "guilt of the accused, the Magistrate  
13 "ought not to reject such evidence  
14 "without stating his reason for  
15 "so doing, particularly where the  
16 "case for the Crown rests entirely  
17 "upon a statutory presumption of  
18 "guilt and is founded upon  
19 "equivocal circumstantial evidence."

20 It is thus seen that gambling in such  
21 circumstances is not necessarily illegal.

22 THE COMMISSIONER: All right, put it  
23 in as Exhibit 279.

24  
25 ---EXHIBIT NO. 279: Court of Appeal decision,  
26 in Regina vs. Lafreche.

27 THE WITNESS: As a matter of fact, it  
28 has been given in evidence here, and I am fancy,  
29 repeatedly, that operators of these clubs were  
30







1 on occasion very vocal through their solicitors  
2 on this point and certainly this decision  
3 gave some credence to that evidence.

4 Professor Desmond Hobton, of the  
5 Faculty of the Osgoode Hall Law School, which  
6 now of course has the status of a university,  
7 has made, in my opinion, quite a contribution  
8 to the whole complex subject of gambling in a  
9 report which was tabled in the Legislature  
10 last autumn.

11 I would now like to deliver a copy of  
12 this report with an appendices for identification,  
13 and for the use of the Commissioner --

14 THE COMMISSIONER: During this hearing,  
15 we have had copies of that.

16 MR. WILSON: We have copies, Mr. Commissioner,  
17 but there is some very helpful information  
18 in it. But it hasn't been filed, sir, according  
19 to my notes.

20 THE COMMISSIONER: As an exhibit?

21 MR. WILSON: No.

22 THE WITNESS: I would like to ask that  
23 they be filed, sir. I don't think there  
24 will be any harm in filing them.

25 THE COMMISSIONER: Exhibit - there are  
26 two volumes there. One is a grey one and  
27 one is a yellow one.

28 A. One is the appendices.

29 THE COMMISSIONER: Oh, I see, 290.  
30







1 --- EXHIBIT NO. 220: Report of Professor Desmond  
2 Morton.

3 THE COMMISSIONER: It is a report of what?

4 A. It is the study of ---

5 MR. WILSON: It is a study of gambling  
6 in the Province.

7 A. Yes. I would just ask permission  
8 to file the release that was made on July 5th,  
9 1961.

10 Q. Wait a moment until Mr. Commissioner  
11 gets a note of the last exhibit.

12 THE COMMISSIONER: All right.

13 A. In connection with the others,  
14 sir, I would like to file for identification  
15 a press release of July 5th, 1961 which has to  
16 do with setting up of the committee made to  
17 Mr. Morton and two others, out of which came  
18 these reports that I have just filed.

19 THE COMMISSIONER: Well, why not make  
20 that part of Exhibit 220?

21 A. It is a press release of the 5th  
22 of June, 1961, issued by myself, and part of  
23 an exhibit. I refer, sir, to the movement as  
24 to the report of the Commissioner then,  
25 Commissioner McNeil in the year 1957 in the  
26 annual report, and it caused some publicity  
27 in the issue of March 1st, 1956, of the Globe  
28 and Mail in Toronto, it was a news item.

29 THE COMMISSIONER: Just a moment, a news item?  
30







1 A. No, sir, I am referring to  
2 the annual report of 1955. I quoted ---

3 THE COMMISSIONER: We have it.

4 A. Yes, but I am referring to the  
5 news item arising out of the report.

6 THE COMMISSIONER: Let me see it. We  
7 want  
8 don't<sub>A</sub> to get the record all cluttered up  
9 with news items.

10 A. Well, it is historical --- it  
11 arose out of a question which was asked in  
12 the House of Commons which caused ---

13 MR. WILSON: Now-- As I understand  
14 it, that was the result of a question asked  
15 in the House of Commons which referred to  
16 the newspaper article. You then had certain  
17 correspondence with the then Commissioner  
18 of Justice, Mr. Carson?

19 A. Yes.

20 Q. Now just --

21 A. That's right, that is what I am  
22 producing - the news item - because that is  
23 what caused the question to be asked. The  
24 question was asked on the 1st of March, 1956  
25 in the House of Commons, and it was as follows:

26 "Of the Minister of Justice:

27 "I should like to direct a

28 "question to the Minister of

29 "Justice in view of the report

30 "on the front page of this morning's







"Globe and Mail to the effect that  
"certain illegal gambling activities  
"in Ontario are protected by  
"Federal charters. Has the Minister  
"any comment to make?"

THE COMMISSIONER: Who asked the question?

A. Well, I think - it didn't appear,  
but from correspondence and a check that was  
made, I think that it was asked by Mr. Wallace  
Nesbitt, M.P. for Oxford at that time.

". . . illegal gambling activities  
"in Ontario are protected by  
"Federal charters. Has the Minister  
"any comment to make?"

After reciting the Globe and Mail  
article and the above question, Mr. Garson,  
by letter dated March 1st, 1956, asked me to  
inform him of the basis of Commissioner McNeill's  
contention -- and that is already an exhibit,  
Exhibit 65, the letter of March 1st, 1956,  
from Mr. Garson to myself. And he asked  
about that contention, and he uses quotes:

"That known gambling houses are  
"operating despite every attempt  
"to establish convictions because  
"Federal charters protect them."

Sergeant Anderson, in charge of the  
anti-gambling branch of the Ontario Provincial  
Police, March 5th, 1956, supplied the Commissioner







1 of Police with a memorandum under the following  
2 heading: "Re Clubs Operating in the Province  
3 of Ontario under Federal charters - Toronto  
4 Township, Bertie Township and the Township  
5 of Sandwich -South."

6 This memorandum illustrates the problems,  
7 and in order for this record to be in sequence,  
8 so far as my own testimony is concerned, that  
9 should be read, Mr. Wilson, and possibly you  
10 would relieve me again as I would appreciate it.

11 MR. WILSON, I have a copy - part of 66.  
12 This document was part of Exhibit 66, dated  
13 March 5th, 1956, memorandum to Mr. E.V. McNeil,  
14 Commissioner of Police, Ontario. Re "Clubs  
15 Operating in the Province of Ontario under  
16 Federal Charters - Toronto Township, Bertie  
17 Township, and the Township of Sandwich-South."

18 "Once a club has been granted either  
19 "Federal or Provincial, it has  
20 "been my experience in dealing  
21 "with the enforcement of the law  
22 "in relation to the operation of  
23 "'a common gaming house' that those  
24 "individuals acting as the executive  
25 "by of an incorporated bona fide  
26 "social club under the provisions  
27 "of Section 166(2) of the Criminal  
28 "Code are granted certain exceptions.

29 " A place is not 'a common gaming  
30

[illegible]

"house" within the meaning of

"subparagraph (1) or clause (b) -- "

I think that should be "of" but it says

"or" -- clause (b) -- it says:

". . . or clause (b) or (c) of

"subparagraph (1) of paragraph

"p" of subsection 1,

"(a) - while it is occupied as

"and used by an incorporated bona

"fide social club or branch thereof

"and including subparagraphs 1 and

"2 relating to bets on or proceeds

"from games played therein is not

"directly or indirectly paid to

"the keeper thereof, and no fee

"in excess of 10 cents an hour or

"50 cents a day is charged to the

"person for the right or privilege

"of participating in the games

"played therein.

" Section 168(1)(f) defines

"'game' means a game of chance or  
mixed chance

"~~involving~~ or skill.

" Section 168(1)(g) defines

"'gaming equipment' means anything

"that is or may be used for the

"purpose of playing games or betting.

" Section 168(2)(a)(1) and (11)

"of the Criminal Code dealing with



1990年12月15日



1 "an incorporated bona fide social  
2 "club or branch thereof, in actual  
3 "law-enforcement practice today  
4 "makes void the presumption, Section  
5 "169 of the Criminal Code you will  
6 "note that the clause (c) of sub-  
7 "paragraph (11) of Section 168(1)(a)  
8 "makes provision for the privilege  
9 "of playing and participating in  
10 "a game or using games equipment,  
11 "whereas the Presumptions section,  
12 "169(b) evidence that a place was  
13 "found to be equipped with gaming  
14 "equipment or any device for con-  
15 "cealing, removing, or destroying  
16 "gaming equipment is prima facie  
17 "evidence that the place is 'a common  
18 "gaming house'."

19 MR. WILSON: I don't know what the next  
20 word is - or "common betting house as the case  
21 may be."

22 Then:

23 "Section 69(c), evidence that gaming  
24 "equipment was found in a place  
25 "entered under a warrant issued  
26 "pursuant to this part, or on or  
27 "about the person of anyone found  
28 "therein is prima facie evidence  
29 "that the place is, 'a common gaming  
30







1 "house' and that persons found  
2 "therein were playing games,  
3 "whether or not any persons acting  
4 "under the warrant observed any  
5 "persons playing games therein.

6 "Section 169(a) - Evidence that  
7 "a peace officer was authorized  
8 "to enter a place was wilfully  
9 "prevented from entering or was  
10 "wilfully obstructed or delayed  
11 "in entering, is prima facie  
12 "evidence that the place is a  
13 "disorderly house.

14 " From the observations and  
15 "experience in connection with the  
16 "operation of 'a common gaming house'  
17 "in relation to places operating  
18 "under the provisions of an in-  
19 "corporated bona fide social club,  
20 "where a gambling syndicate operates  
21 "a bank - crap game - the police  
22 "under the existing legislation are  
23 "powerless to obtain the necessary  
24 "evidence, as result of searching in  
25 "the premises under the authority of  
26 "a Warrant to Search, Section 171(1)  
27 "of the Criminal Code.

28 " A bank crap game can be  
29 "operated by means of gaming equipment,  
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1 "which can be used for a lawful  
2 "purpose, and in order to obtain  
3 "the necessary evidence to warrant  
4 "conviction, nothing short of having  
5 "at least two officers under cover  
6 "playing in the game is necessary,  
7 "which is almost high impossible.

8 " All three of the marginally-  
9 "noted premises in the Province of  
10 "Ontario are equipped - flood-  
11 "lighting - lookouts used as parking  
12 "attendants for the purpose of  
13 "scrutinising the occupants of the  
14 "motor vehicles, before being  
15 "admitted into the premises.

16 " All three of these premises  
17 "formerly were in possession of  
18 "charters issued by the Department  
19 "of the Provincial Secretary,  
20 "Province of Ontario. Two of  
21 "these clubs, as a result of adverse  
22 "publicity from citizens and the  
23 "press, discontinued operating under  
24 "their present charter. The  
25 "charter issued under Hamilton  
26 "Business Men's Bridge and Chess Club  
27 "was cancelled by the Department of  
28 "the Provincial Secretary for cause.

29 " These three clubs, after  
30







1 "obtaining the present charters from  
2 "the Department of the Secretary of  
3 "State of Canada, continued operating  
4 "as they are at the present time.

5 " Respectfully submitted,

6 " (Signed) Sergeant in charge,  
7 Sergeant Anderson of the  
8 Anti-Gambling Squad of  
the Ontario Provincial  
Police."

9 A. My lord, I would just point out  
10 in answer that Sergeant Anderson was advised  
11 on March 5th, 1956 with respect to the  
12 problem of the possibility of obtaining certain  
13 types of evidence. He sets out there in that  
14 memorandum in connection with that type of --  
15 Mr. McNeil in turn passed this information on  
16 in a memorandum to myself and I want to repeat,  
17 being repetitious, but I also think this is  
18 part of the same exhibit. The letter or  
19 memorandum from Commissioner McNeil dated  
20 the 5th of March, 1956 to myself and I would  
21 read the last paragraph of it:

22 " A charter issued by the  
23 "Federal authorities does not . . .  
24 ". . . gaming house."

25 Now, that was from Commissioner McNeil  
26 on March 5th, 1956.

27 On the same day, the next day, on March  
28 6th, 1956, I wrote the Honourable Mr. Carson,  
29 a copy of which letter is already an exhibit,  
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and, however, please not to forget

to inform me by postcard and

perhaps to come to see me

at my house, but I am not sure

if I can do so.

My dear friend,  
I have just received  
your letter of the 10th  
and I am very glad to hear  
from you.

I am sure you are well

and I hope you are happy

and I am sure you are

very busy with your work

and I am sure you are

very busy with your work

and I am sure you are

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1 I think Exhibit 57, and a copy of my letter  
2 to Mr. Carson I would like to have that on  
3 the record. Perhaps, again, Mr. Wilson, you  
4 would read it.

5 MR. WILSON: Yes.

6 March 6th, 1956.

7 "Dear Mr. Carson:

8 " I have your letter of March  
9 "1st referring to press report on  
10 "XXXXX a section of the annual report  
11 "tabled in the Ontario Legislative  
12 "Assembly recently and made by  
13 "Ontario Provincial Police Commissioner  
14 "H.V. McNeil.

15 " I understand that there are  
16 "at least three clubs operating in  
17 "the Province of Ontario under Federal  
18 "charter.

19 " The practice in Ontario is  
20 "for the Provincial Secretary to  
21 "request the Ontario Provincial Police  
22 "to make an investigation as to the  
23 "character and reputation of the  
24 "directors of the proposed club. The  
25 "charter, if issued, is to read for  
26 "a specific location and contains a  
27 "clause which prevents the club, or  
28 "person in possession of the charter,  
29 "from barricading the premises in  
30 "such a manner as to prevent easy



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1 "access by police officers. I

2 "enclose a copy of two of the

3 "standard provisions contained in

4 "the letters patent for a club

5 "incorporated under the Ontario

6 "Corporations Act.

7 " The Ontario regulations also

8 "contain a provision similar to the

9 "special police clause (see enclosure).

10 " My attention has also been

11 "drawn to certain provisions of the

12 "Criminal Code, particularly Section

13 "168. The exceptions provided by

14 "Section 168(2) when applied to a

15 "club operating with a Federal charter,

16 "in the opinion of Commissioner McNeil,

17 "permits such a club, if it is intent

18 "on doing so, to operate in the field

19 "of gambling under conditions which

20 "make it almost impossible to secure

21 "evidence leading to conviction.

22 " There are some places which

23 "have given a good deal of trouble

24 "to the Ontario Provincial Police and

25 "if you would see fit to adopt the

26 "requirements and regulations similar

27 "to those mentioned above applicable

28 "to any club in Ontario operating

29 "under a Federal charter, the uniformity







1 "of requirements thus afforded would,  
2 "in the opinion of the Commissioner  
3 "of Ontario Provincial Police, greatly  
4 "facilitate the enforcement of the  
5 "Federal Code, particularly the  
6 "sections relating to gambling.

7 " It may be that you would care  
8 "to have a representative of your  
9 "Department discuss the matter in  
10 "more detail with representatives  
11 "of this Department and if so, I  
12 "will certainly be pleased to  
13 "facilitate such arrangement.

14 " I can assure you that there  
15 "are specific cases which the  
16 "Commissioner has in mind and details  
17 "with respect to such cases are in  
18 "his possession relating as directly  
19 "to this situation."

20 MR. WILSON: Q. And the copy you have,  
21 I take it, is signed by you - the original  
22 by you?

23 A. Well, my copy -- the copy of  
24 my letter to Mr. Garfield, and I would identify  
25 this copy of my letter to Mr. Garfield, and  
26 attached to it was the standard clauses that  
27 are used on Provincial charters.

28 Q. Well then, we are familiar with  
29 these clauses.  
30







1 A. Yes.

2 Q. Those clauses are attached to the  
3 exhibit that we have, are they?

4 THE COMMISSIONER: Are they?

5 MR. WILSON: We have had other evidence  
6 of it, and it might be convenient to attach  
7 the copy.

8 THE COMMISSIONER: Clip that to Exhibit  
9 67.

10 A. Maybe I can get a copy from Mr.  
11 Wilson, to make sure that I have a copy for  
12 my own file.

13 MR. WILSON: Yes, we will do that.

14 THE WITNESS: Well, may I say, in  
15 connection with that, sir, that on the following  
16 day, March 7th, 1956, the Windsor Star, who  
17 had been showing a good deal of concern about  
18 the Roseland Club carried quite an article  
19 in relation to this and gave a good deal of  
20 publicity to the very things that were set  
21 out in that letter. I would like to file that  
22 as an exhibit if I may.

23 THE COMMISSIONER: Well, we don't want  
24 to burden the record with all this --

25 THE WITNESS: The only thing I wanted --

26 THE COMMISSIONER: Just a moment, I  
27 hadn't quite finished. I don't want to  
28 burden the record with a lot of clippings  
29 from newspapers.  
30

1



1 THE WITNESS: Well, I think that they  
2 are extremely important from my standpoint,  
3 that this publicity given us, and I just  
4 think these things should be drawn to your  
5 attention and that is the simply way of doing it.

6 THE COMMISSIONER: Exhibit 281.

7  
8 ---EXHIBIT NO. 281: Newspaper clipping.

9  
10 THE WITNESS: I have, sir, in my hand  
11 a memorandum of March 20th ---

12 MR. WILSON: What is the date of that  
13 article?

14 A. The 7th of March, 1956.

15 MR. WILSON: Mr. Registrar, what is  
16 the date there on that?

17 THE REGISTRAR: March 7th, 1956.

18 THE WITNESS: Mr. Carson wrote me, sir,  
19 on the 23rd of March, 1956, and a copy of  
20 that letter itself has been in evidence  
21 somewhere along the line.

22 MR. WILSON: Exhibit 68 is the original  
23 letter, I believe.

24 A. I produce a photostatic copy --

25 THE COMMISSIONER: It isn't necessary.  
26 We have the original letter.

27 THE WITNESS: I would like to refer  
28 to this. Mr. Carson acknowledged the letter --

29 THE COMMISSIONER: Let me see Exhibit 68.

30 THE WITNESS: And he refers to the special --





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1 that I have mentioned, and then on page 3 he  
2 says - and I would mention one thing that is  
3 of importance, that on the first page that  
4 it is based on information he received from  
5 the Secretary of State that they were no longer  
6 incorporating social clubs.

7 MR. WILSON: Yes, some - under Federal  
8 charters?

9 A. Yes, so that clubs outstanding  
10 that were Federal were --

11 Q. They antedated this. By some  
12 years.

13 A. Yes, and then having reviewed  
14 what was put in front of them, I think that  
15 that is the gist of that, and I would come  
16 over to page 3:

17 "I must say that I doubt very much

18 "that Parliament would be prepared

19 "to enact legislation under which,

20 "by administrative action, the

21 "existence of corporations mentioned

22 "in the third paragraph of this

23 "letter could be terminated, with

24 "no opportunity given to the

25 "corporation to defend itself in

26 "a court of law against the charges

27 "made in relation to it."

28 In other words, the need for a conviction  
29 as a condition precedent he felt should remain.  
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1 It would seem to me that as Section  
2 163(2) of the Criminal Code deals with a  
3 place occupied and used by "an incorporated  
4 bona fide social club or branch thereof" and  
5 it does not make any distinction as to modes  
6 of incorporation or as to incorporating  
7 authorities, a Federally-incorporated club  
8 which offends against the law is in a no more  
9 advantageous position than a Provincially-  
10 incorporated one; in except, of course, that  
11 under your Companies Act you can revoke  
12 the charter without giving the club an  
13 opportunity of defending itself against the  
14 charges brought against it in a court of law.

15 Since a bona fide social club and its  
16 officers and members are not immune from  
17 ordinary process and investigation by means  
18 of a search warrant, nor from prosecution  
19 for obstructing a police officer in the  
20 execution of such warrant, I would be inclined  
21 to view that we should not further restrict  
22 their right to make a full answer and defence  
23 in a court of law to any charges that may  
24 be brought against them.

25 And I have made a note in the margin  
26 in pencil at the time, and it was, "What  
27 can you charge them with?"

28 "If, however, there are considerations  
29 "that you think we have overlooked  
30







1 "in my present letter, I would  
2 "be glad to hear further from  
3 "you. We are most anxious to  
4 "co-operate with you as in any way  
5 "that we can within proper limits."

6 I also have a memorandum on my file which  
7 is the 22nd of March, 1956 and it relates to  
8 two long-distance telephone calls from Mr.  
9 Garson that date --

10 Q. You now produce --

11 A. I think this has been produced.

12 MR. WILSON: No, it hasn't.

13 THE COMMISSIONER: The memorandum ---

14 THE WITNESS: This memorandum was dictated  
15 by myself at the time that I had two long-  
16 distance telephone calls from the Honourable  
17 Stuart Garson on March 22nd, 1956, the first  
18 of which he mentioned the letter which I have  
19 already referred to here, or thought that I  
20 had in front of me, but I didn't have it  
21 when I was on the phone at that time. He  
22 gave me the gist of it and repeated in the  
23 conversation pretty much what he said in the  
24 letter.

25 I mentioned to him -- I did say, however,  
26 "He did say, however, that there was provision  
27 in the Federal Act in the charters and so  
28 forth, to enable action to be taken by the  
29 Minister of Justice to dissolve a charter or  
30







1 annual it if the club concerned was not carrying  
2 out the business allowed by its charter but  
3 doing something else not authorized by the  
4 charter."

5 His second call came to me and was to  
6 tell me that:

7 "He had looked into the matter and

8 "he thought perhaps the Army and

9 "Navy, etcetera, charter might be

10 "for one of the widespread implications

11 "covering a lot of clubs that he

12 "was inclined to feel that the idea

13 "of him instituting proceedings

14 "to dissolve might not be advisable

15 "after all. He said he wasn't going

16 "to release his letter to the press."

17 The letter to which I have already referred  
18 here and I said:

19 "As far as I was concerned to do

20 "it and I told him when I received

21 "the letter I would not make it

22 "public at the moment in that case,

23 "and would not deal with it either

24 "in public."

25  
26 (Page 11910)







AS/1 1 MR. WILSON: Now, I think we have finished  
2 with the contact you had with Mr. Carson about  
3 this matter?

4 A. Yes. I think a little later I  
5 did have further contact which I would like  
6 to make reference to.

7 A short time later I was in communication  
8 with Mr. Carson again. I gave him some  
9 detailed information concerning the Army, Navy  
10 and Air Force Veterans in Canada, Unit No. 326,  
11 known as the Centre Road Veterans Club, and  
12 the use of those premises and club as a  
13 Ground Observers Corps Observation Post, R.C.A.F.

14 I should like to produce a photograph;  
15 I think this has been here.

16 THE COMMISSIONER: Just a moment.

17 MR. WILSON: Let us see; I think it was  
18 a photograph. No. 51, I think. Is that  
19 the photograph?

20 THE REGISTRAR: 50.

21 MR. WILSON: Q. That is not the one.

22 A. I mentioned to Mr. Carson something  
23 of the -- of the ---

24 THE COMMISSIONER: Is this an exhibit yet?

25 MR. WILSON: I just looked at our photograph.  
26 That is No. 50.

27 THE COMMISSIONER: I do not remember seeing  
28 this particular one.

29 MR. WILSON: The one the witness is  
30



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1 producing?

2 THE COMMISSIONER: Show it to him; show it  
3 to Mr. Wilson. (Photograph indicated to Mr.  
4 Wilson)

5 MR. WILSON: Q. No. We have not got  
6 that one, Mr. Commissioner.

7 A. I pointed out to Mr. Garson the  
8 wording that appears on the sign of the  
9 Centre Road Club, off Highway No. 10. This  
10 photograph was taken on April the 16th, 1936,  
11 by the Ontario Provincial Police. The  
12 sign appears on a scoreboard, and this is  
13 what it says on it:

14 "Ground Observer Corps; Observation

15 "Post, Code, Name and Number.

16 "Code, name and number for this

17 "observation post: Please use it

18 "on air-ground flash messages;

19 "all forms and correspondence.

20 "Love, Peter, Red."

21 THE COMMISSIONER: Love, Peter, what?

22 THE WITNESS: Red.

23 MR. WILSON: Q. Can you explain the  
24 significance of these code words to the  
25 Commissioner?

26 A. I do not know really, myself,  
27 because they are code words. There may be  
28 some significance to them; they are supposed  
29 to be code words; it seems to me that this was  
30





Continued on next page



1 being used as a cloak of respectability, in  
2 associating with a fortress type of building,  
3 to put off established authority and law  
4 enforcement.

5 There are two photographs of the interior,  
6 which may have been produced before; but I  
7 think these two should be marked.

8 I have two photographs of the interior  
9 taken by the Provincial Police on April the  
10 16th, 1956.

11 THE COMMISSIONER: We have that one  
12 (indicating photograph).

13 THE WITNESS: You have this one, sir?

14 THE COMMISSIONER: Yes.

15 THE WITNESS: This is the one I wanted  
16 particularly to draw attention to, and in the  
17 context I am speaking of at the moment, this  
18 establishes ---

19 THE COMMISSIONER: Just a moment. Let  
20 me see that.

21 THE WITNESS: I do not know how good  
22 your lordship's eyes are, but to my old eyes  
23 it is hard to see. If you can read ---

24 THE COMMISSIONER: I cannot read that.

25 A. But if we had a magnifying glass,  
26 then you should be able to look at it.

27 There are two certificates of membership  
28 and they purport to be signed by the Chief of  
29 Staff of the Air Force, hanging on the wall.  
30







1 Mr. Garson took the matter up with his confrere,  
2 the Honourable ---

3 Q. Are you entering this?

4 A. Yes, I would like to, sir.

5 THE COMMISSIONER: Make that one Exhibit 282.

6  
7 ---EXHIBIT NO. 282: Interior of Ground Observers  
8 Corps Post No. 326, known as  
Centre Road Veterans Club.

9 THE WITNESS: Did you see this one that  
10 was taken again?

11 THE COMMISSIONER: No. We have that one.

12 THE REGISTRAR: That is Exhibit 50.

13 THE COMMISSIONER: Attach this photograph  
14 as 50-A and 50-B.

15  
16 ---EXHIBIT NO. 50-B: Photograph of outside of  
17 Ground Observers Corps  
Station 326, taken from  
18 outside, added to Exhibit 50-A.

19 THE WITNESS: I understand that Mr. Garson  
20 took the matter up with his confrere ----

21 MR. WILSON: Q. Could we take the date  
22 of the contact ---

23 A. The photographs were all taken on  
24 the 16th.

25 Q. No; but the date that you contacted  
26 Mr. Garson.

27 A. Oh. It was in that period; the  
28 16th of April. In the range, within several days  
29 of that period.

30 THE COMMISSIONER: What year?



1. The first of the year was a very busy one.

2. The second of the year was a very busy one.

3. The third of the year was a very busy one.

4. The fourth of the year was a very busy one.

5. The fifth of the year was a very busy one.

6. The sixth of the year was a very busy one.

7. The seventh of the year was a very busy one.

8. The eighth of the year was a very busy one.

9. The ninth of the year was a very busy one.

10. The tenth of the year was a very busy one.

11. The eleventh of the year was a very busy one.

12. The twelfth of the year was a very busy one.

13. The thirteenth of the year was a very busy one.

14. The fourteenth of the year was a very busy one.

15. The fifteenth of the year was a very busy one.

16. The sixteenth of the year was a very busy one.

17. The seventeenth of the year was a very busy one.

18. The eighteenth of the year was a very busy one.

19. The nineteenth of the year was a very busy one.

20. The twentieth of the year was a very busy one.

21. The twenty-first of the year was a very busy one.

22. The twenty-second of the year was a very busy one.

23. The twenty-third of the year was a very busy one.

24. The twenty-fourth of the year was a very busy one.

25. The twenty-fifth of the year was a very busy one.





1 A. Of 1956.

2 Mr. Garson, as I understand, took the matter  
3 up with his confrere, the Honourable Mr. Campney,  
4 who was then Associate Minister of Defence or  
5 actual Minister of Defence at the time, and  
6 informed the latter that I was having  
7 difficulty in enforcing the law in relation  
8 to this particular club operating under the  
9 authority of a federal charter, as a ground  
10 observer unit.

11 I believe Mr. Campney favoured removal  
12 of this ground observer corps from these  
13 premises following my complaint, but the  
14 Royal Canadian Air Force apparently did not  
15 carry out his intention or instruction.

16 I am reinforced in this belief by a  
17 letter dated April the 5th, 1962, received  
18 from the Honourable Douglas Harkness,  
19 Minister of National Defence, which I tender  
20 herewith for identification, and I would  
21 like to read.

22 MR. WILSON: Q. Have you got a copy?

23 A. I was going to ask you, Mr. Wilson,  
24 to read it, if you would.

25 Q. I have a copy here; the letter of  
26 April -- I beg your pardon. I just want to  
27 be sure (comparing two documents).

28 It is addressed to the witness:

29 "I refer to our conversations  
30





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A.K. Roberts

11,915

1 "concerning alleged gambling activities in  
2 "the premises occupied by the Army and Navy  
3 "Veterans Association Club, No. 326, at  
4 "Cooksville, Ontario. Some of the members  
5 "of it also appear to have been members of  
6 "the R.C.A.F. Ground Observer Corps Post,  
7 "which used the club premises for the pur-  
8 "poses of reporting aircraft and training.  
9 "I have looked into this matter, and  
10 "find that this situation was first  
11 "brought to the attention of the Department  
12 "in April, 1956, at which time you  
13 "pointed out to the then Minister of  
14 "Justice that the club had a sign on the  
15 reading "Ground Observation Station  
16 "outside/under supervision of National  
17 "Defence. At that time you asked what if  
18 "any authority this club had to carry on  
19 "any activities on behalf of the  
20 "Federal Government.

21 "Following receipt of your  
22 "letter, the then Minister of National  
23 "Defence had the matter investigated.  
24 "The R.C.A.F. reported to him that  
25 "the premises occupied by the Army,  
26 "Navy and Air Force Veterans'  
27 "Association Club, No. 326, was used  
28 "as a ground observer corps observation  
29  
30







A. K. Roberts.

11916

1 "post, and had proved to be most  
2 "efficient. It was pointed out that  
3 "the volunteer observers who used the  
4 "premises might well be members of the  
5 "club. But, that their duties as  
6 "members of the ground observer corps  
7 "were completely separate from their  
8 "status as such members, and it was  
9 "reported that the Department of  
10 "National Defence had not given any  
11 "authorization whatsoever concerning  
12 "operations of this club, and  
13 "that the club was not associated  
14 "with the department in any way.

15 "Under the circumstances, however,  
16 "it was considered that it would be advisable  
17 "to move the observation post to other  
18 "quarters, and it was reported that  
19 "steps were being taken to move the  
20 "post as soon as possible. The Instructions  
21 "of Air Force Headquarters in April,  
22 "1956, to move the post were not  
23 "carried out, and it appears to have  
24 "remained in operation on the club  
25 "premises, until August, 1960, when  
26 "the Southern Canada portion of the ground  
27 "observer corps was disbanded. The  
28 "fact that the post hadnot been  
29 moved was not reported to Air Force  
30



"To be destroyed on 2nd day 1957-58"

THE NEWLY DON HAD COMPLETED FUNCTIONS

"Operations of this shop are

[illegible]

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"It was concluded that it would be advisable

"...and the other side of the mountain..."

"There is a good reason for this."

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"1900, to date the loss was not

"Carried out, and it appears to have

"This is the only portion of the provided

...the ... ..





"Headquarters. It is of interest to  
"note that in the case of the Cooksville  
"Post, no moneys or materials were  
"provided by the R.C.A.F. for buildings,  
"premises or personnel. As in the case of all  
"Ground Observer Corps posts the personnel  
"were not members of the R.C.A.F. and were  
"not paid. It appears that the police were  
"at no time denied access to the premises  
"of the Club or otherwise impeded in their  
"investigations because of the Ground Observer  
"Corps activities carried on therein."

THE WITNESS; Apparently some of the chief  
members of this observation corps were some of  
the officers and operators of the club. And,  
before the Deputy Provincial Secretary, on  
February the 11th, 1960, or thereabouts,  
some evidence was given about this activity,  
and no doubt the file is here.

MR. WILSON: Yes, that is right. That  
is April, 1956. In the spring of 1956 did  
you have some further conferences in regard  
to the gambling problem in the province?

A. Yes. On the 25th of April,  
1956, I had a conference with Commissioner  
McNeill and the Deputy Attorney General, Mr.  
Magone, when I dictated the memorandum, a  
copy of which I now produce. That is  
April the 5th, 1956; the memorandum for the  
file "Federal Clubs", etcetera, gambling;  
dictated by A.K.R.

May I have this marked?

THE COMMISSIONER: You are talking about







1 the conference you had with Commissioner McNeill  
2 and Mr. Magone?

3 A. I can give the substance of the  
4 conference in this.

5 (1) Advisability of communicating  
6 with Buffalo and Detroit Police Department,  
7 with view to getting co-operation inasmuch  
8 as most of the persons or users of the club  
9 are American.

10 (2) Provide all possible legislation  
11 for regulating clubs; use of premises; type  
12 of premises, etcetera, in case it becomes  
13 necessary to consider bringing in some  
14 remedial legislation to ensure that operators  
15 of the clubs in question -- in some clubs  
16 cannot be continued.

17 (3) Commissioner read the report in  
18 connection with some investigation, now  
19 proceeding, that may have a material bearing  
20 in the situation.

21 And I think that was some reference to  
22 some undercover work which was going on at  
23 that time.

24 My desk diary: My desk diary of  
25 appointments, etcetera, indicates that at  
26 11.00 a.m. on the 25th of May, 1956, a  
27 conference took place between the then  
28 Deputy Attorney General, Mr. Magone, and the  
29 then Commissioner of the Ontario Provincial  
30



the following information is being furnished to you:

1. The name of the person or organization to whom the information is being furnished.

2. The date of the information.

3. The source of the information.

4. The nature of the information.

5. The purpose of the information.

6. The name of the person or organization to whom the information is being furnished.

7. The date of the information.

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25. The purpose of the information.

26. The name of the person or organization to whom the information is being furnished.

27. The date of the information.

28. The source of the information.

29. The nature of the information.

30. The purpose of the information.





1 Police, on the subject of gambling.

2 Frankly, I have no recollection of Sergeant  
3 Anderson being present. The entry of Sergeant  
4 Anderson of May the 25th, 1956, is spoken  
5 about ---

6 THE COMMISSIONER: What date is that?

7 MR. WILSON: I was just getting to that.  
8 Before we leave this period, I should point  
9 out, Mr. Commissioner, that the reference to  
10 the ground observer corps is in Exhibit 28,  
11 where we have William Lofrade; that is the  
12 copy of the evidence given before the  
13 Provincial Secretary, or the Deputy. He gives  
14 a very elaborate story on the wonderful  
15 activities of that corps, and said it was  
16 one of the best units operating in Canada,  
17 I take it, and that is at page 142 of  
18 Exhibit 28.

19 THE WITNESS: I think I am correct in  
20 saying ---

21 THE COMMISSIONER: I beg your pardon?

22 MR. WILSON: The diary. (handed to learned  
23 counsel)

24 THE COMMISSIONER: I think it was 69;  
25 Anderson's diary.

26 MR. WILSON: 69, my lord, yes.

27 Q. You made reference to the entry ----

28 A. Have you the original? I think  
29 it will be best if we could check it. May 25th,  
30



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2 Q. That is right.

3 A. The word is "gaming house" dash  
4 execute warrants only on complaints dash  
5 discontinue trying to get officers in for time  
6 being dash to see what happens dash  
7 confirmed by Commissioner McNeill.

8 Is that correct, from your reading of it?

9 Q. That is not this date. I beg  
10 your pardon!

11 A. I would like to be sure of that,  
12 and I think we could have an exact wording  
13 of it. Could you give me the original?

14 Q. "Gaming house" and so on. "Execute  
15 warrants only on complaints." It is exactly  
16 as you have read.

17 A. And there is no mention in that  
18 particular portion of it, as I point out ---

19 THE COMMISSIONER: Just a moment.

20 MR. WILSON: Possibly the Commissioner  
21 would like to have it.

22 THE COMMISSIONER: Just a minute. I  
23 understood you as saying, Mr. Roberts, that  
24 on May the 25th, 1956, you had a desk diary?

25 A. Indicating that I had an  
26 appointment with the Deputy Attorney General  
27 Hagone and Commissioner McNeill on the  
28 subject of gambling.

29 Q. But you have no recollection of  
30







1 that?

2 A. I have no recollection -- I am not  
3 saying he was not there; if he has sworn he  
4 was there, it is possible he came with  
5 Commissioner McNeill. But I have no  
6 recollection of his being there.

7 THE COMMISSIONER: He has that entry in  
8 his diary and that is a matter that I should  
9 like to have some light shed upon. "Execute  
10 warrants only on complaints", etcetera,  
11 etcetera.

12 What information can you give me with  
13 respect to that?

14 A. That is what I am leading up  
15 to, sir. I take it this is the original  
16 in front of me?

17 Q. That is his original diary.

18 A. Yes. There is no reference to  
19 me being present at all in connection with  
20 it; but I am not saying he was not present.

21 MR. BREWIN: I cannot hear you.

22 THE COMMISSIONER: Mr. Brewin says he  
23 cannot hear you. Raise your voice.

24 A. I am merely drawing attention to  
25 the original entries of what I understand was  
26 the first diary, and the entry in connection  
27 with the 25th of May by Sergeant Anderson.

28 Q. Yes?

29 A. And you will notice, sir, that  
30



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1 there is no reference to myself at all in that  
2 one.

3 Q. That is right.

4 A. I have no particular, detailed  
5 recollection of this conference, other than  
6 they had discussion of the situation, and I  
7 thought to eliminate confusion of the persons,  
8 dealing directly in the problems of how  
9 best we might deal with the problems of  
10 gambling.

11 Now, at this time discussion did take  
12 place concerning the best way to deal with the  
13 problem.

14 Since the attempt to get an undercover  
15 man in, in various clubs, had not been  
16 successful, it may have been that the police  
17 felt it would be best, understandably -- if  
18 we had some one take part in the game who  
19 came forward; and that is how the evidence  
20 was obtained, and in the final analysis the  
21 only way, as Sergeant Anderson pointed out,  
22 and I think very clearly listed, is the  
23 lafrade case.

24 Now, I would like to mention again that  
25 I am merely doing this because I want to draw  
26 attention to the record. Sergeant Anderson  
27 did enter a diary; did enter a diary later  
28 on which covered the whole day; and if I can  
29 see the original of that? I have a copy which  
30



I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I always find time to think of my friends. I am sure you are doing well. I have been very busy lately, but I always find time to think of my friends. I am sure you are doing well.





1 has been supplied to me. It has come from the  
2 records, as I imagine, and I would like you to  
3 identify it for me.

4 MR. WILSON: Yes. That forms the first  
5 part of this diary, the entry of May the 25th,  
6 1956, which has been entered as an exhibit.

7 THE WITNESS: You turn the page.

8 THE COMMISSIONER: Follow the same page.

9 THE WITNESS: I want to be quite clear  
10 and fair about this. What is the one I  
11 was looking at a moment ago? At the bottom?  
12 It is all on the same page?

13 THE COMMISSIONER: Yes. What you want  
14 to refer to now is what is at the top.

15 A. At the top?

16 Q. Yes.

17 A. Again, I suppose it was entered?  
18 And the upper part is more adequate than the  
19 first entry (indicating):

20 "8.30 a.m.: Report for duty. Office

21 "duties. 10.30 a.m., with Commissioner

22 "E.V. McNeill to Att General Department --

23 "K. Roberts re gaming. 2.30 p.m.:

24 "With P.C. Armstrong, Scott, to

25 "Guelph. Contact C.D. re gaming

26 "house. Proceeded to Pergus re

27 "Investigation club charter; Roseland

28 "Golf Club. Proceed to Galt, check

29 "Grays Greater Shows. Proceed to  
30







1 "Fort Erie. Approximately 12.30 a.m.

2 "execute warrant to search Canadian

3 "Merchant Navy Veterans Association.

4 "Return to Toronto. Off day 5.00 p.m."

5 If I read that correctly, I would say,  
6 sir, it would indicate after this conference  
7 at 10.30 a.m., that that night he executed  
8 a warrant to search the Canadian Merchant  
9 Navy Veterans Association.

10 THE COMMISSIONER: I am not quite following  
11 that; oh, I see what you mean. After the  
12 conference in the morning.

13 A. After the conference in the  
14 morning; that night.

15 Q. That night, he executed the  
16 warrant?

17 A. Yes.

18 Q. I see.

19 A. One thing we know, and that is  
20 that the decision that we made was what we  
21 believed to be at the time in the best  
22 interests of the job to be done under the  
23 circumstances, and the conditions of the  
24 moment. And it could change from week to  
25 week or month to month, depending on the  
26 situation as it was reviewed.

27 Now, I would like again to show this  
28 publication ---

29 MR. WILSON: Q. Before we come to that:  
30



The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of California.

The total area of land owned by the United States in California is approximately 100 million acres. This land is divided into several categories, including National Forests, National Monuments, and other public lands.

The following table shows the distribution of land ownership in California:

| Category           | Area (Acres) |
|--------------------|--------------|
| National Forests   | 60,000,000   |
| National Monuments | 20,000,000   |
| Other Public Lands | 20,000,000   |

The above information is based on the most recent data available. The Department of the Interior reserves the right to revise this information as more data becomes available.





1 The exhibit shows that the raid was made; the  
2 raid was made on that place?

3 A. The night following the morning  
4 appointment.

5 Q. On May the 25th?

6 A. Yes. The morning of the 26th;  
7 the night of the 25th or the morning of the  
8 26th.

9 Q. Well ---

10 THE COMMISSIONER: You had the conference  
11 in the morning of the 25th, and on the night  
12 of the 25th there was the raid?

13 MR. WILSON: It is shown as of May the 25th.

14 THE WITNESS: Then I would again like  
15 to refer to a publication, The Windsor Star,  
16 of June the 1st, 1956. I was in Windsor.

17 THE COMMISSIONER: Let me see it.

18 A. And it showed very clearly what  
19 I was thinking of on June the 1st, the week  
20 after the 25th of May.

21 Q. There is no problem; that does  
22 not add very much to it.

23 A. I was down there, and we wanted  
24 to accomplish something ---

25 Q. What is you are saying here?

26 A. Perhaps it is significant that  
27 I said that on June 1st, 1956, and it was  
28 published in newspapers to that effect.  
29 Could I file this, sir?





1 Q. I do not think it is necessary. You  
2 have got on this record the entries you were  
3 making ---

4 A. They quote me as saying, "We have  
5 no power to revoke such charters" -- meaning  
6 the federal charter. "If it was a provincial  
7 charter it would be different." And that  
8 is on June the 1st, 1956.

9 Q. You have got that right into the  
10 record; I do not think we will have it as an  
11 exhibit.

12 A. An examination of the three records,  
13 dated August the 9th, 1961, by Sergeant  
14 Anderson, relating to the three clubs: The  
15 Ramsey Club, also known as Frontier Veterans  
16 Association; the Bertie Township, City of  
17 Niagara Falls, and the Roseland Veterans  
18 Association, of the Township of Stamford South,  
19 and the Alpha Country Club, or Centre Road  
20 Veterans Association Club, Toronto Township,  
21 indicates that, on the Canadian Merchant  
22 Navy Veterans Association Club, a warrant  
23 was executed on the 25th of May, 1956,  
24 by Sergeant Anderson, on the raid, and  
25 presumably without warning. And another one  
26 was executed on November the 6th, 1956 --  
27 I said on the Roseland -- on the Roseland;  
28 a warrant was executed on May 30th, 1956.

29 Q. We have a record of this.  
30





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1 A. Yes, but the dates ---

2 Q. What is the exhibit number showing  
3 this?

4 A. 6 and 99; 6 and 134, sir, and 6  
5 again, in relation to those three clubs.

6 Q. We have a separate exhibit; a  
7 record of the raids.

8 MR. WILSON: 96 and 97.

9 THE COMMISSIONER: Yes.

10 MR. WILSON: And 98.

11 THE WITNESS: And then it further bears  
12 out ---

13 THE COMMISSIONER: Just a moment.

14 MR. WILSON: Just a moment. This is  
15 related to the Merchant Navy.

16 THE COMMISSIONER: To the Frontier Club.

17 MR. WILSON: And then we come to look ---

18 THE COMMISSIONER: You have no exhibits?

19 MR. WILSON: We get 134 for the  
20 resolution, and its predecessors.

21 THE WITNESS: And 6, I think.

22 MR. WILSON: And exhibits?

23 A. 6, is it?

24 Q. No -- yes, 6, for the Centre Road.

25 A. And I mentioned on the 30th of  
26 May, 1956, about the warrant issued, or  
27 executed on the Roseland Club; and it after  
28 appears that the warrant was executed on  
29 December the 12th, 1956, on the Centre  
30 Road Club premises; continuing police action,



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1 rather than inaction, is, I think, quite evident  
2 from these reports. And, for example, the  
3 letter of June the 8th, 1956, from Messrs.  
4 Herman & Moses, to the Attorney General  
5 complaining of police action in the Windsor  
6 area.

7 I would like to file the letter referred  
8 to; it is Exhibit 178-D, would it be?

9 THE COMMISSIONER: Part of 178, in any  
10 event.

11 MR. WILSON: That is right. The letter  
12 of July 29th, 1954, is 178-D.

13 THE COMMISSIONER: What is the date  
14 of it?

15 MR. WILSON: July the 29th.

16 THE WITNESS: And the one I am referring  
17 to is June the 8th, 1956.

18 MR. WILSON: June the 8th, 1956? We will  
19 give you that one.

20 June the 8th, 1956, is 178-S.

21 A. And again, noting the date of  
22 June the 8th, 1956:

23 "We regret that we must once  
24 "again protest against the outrageous  
25 "actions of the Provincial Police  
26 "towards this unit."

27 I only mention that, and with the document of  
28 May 30th, because it shows that there is  
29 pretty definite, positive activity going on  
30



1. The first part of the report is a general statement of the purpose and scope of the study.

2. The second part of the report is a detailed description of the methods used in the study.

3. The third part of the report is a presentation of the results of the study.

4. The fourth part of the report is a discussion of the results and their implications.

5. The fifth part of the report is a conclusion and a list of references.

6. The sixth part of the report is an appendix containing additional data and information.

7. The seventh part of the report is a bibliography of the literature cited in the study.

8. The eighth part of the report is a list of figures and tables.

9. The ninth part of the report is a list of abbreviations and symbols.

10. The tenth part of the report is a list of footnotes.

11. The eleventh part of the report is a list of appendices.

12. The twelfth part of the report is a list of references.

13. The thirteenth part of the report is a list of figures and tables.

14. The fourteenth part of the report is a list of abbreviations and symbols.

15. The fifteenth part of the report is a list of footnotes.

16. The sixteenth part of the report is a list of appendices.

17. The seventeenth part of the report is a list of references.

18. The eighteenth part of the report is a list of figures and tables.

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23. The twenty-third part of the report is a list of figures and tables.

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30. The thirtieth part of the report is a list of footnotes.

31. The thirty-first part of the report is a list of appendices.

32. The thirty-second part of the report is a list of references.





1 in the year 1956.

2 And then we come, sir, to the annual report  
3 of the Commissioner of the Ontario Provincial  
4 Police for the year 1956, which was tabled  
5 early in 1957.

6 THE COMMISSIONER: Just a moment. Yes?

7 THE WITNESS: And that would be Exhibit  
8 36-E. And there is the return of criminal  
9 prosecutions; there is gambling, and they  
10 even had a charge for cock fights;; 54 with  
11 51 convicted. But the detail is set out  
12 for that year; and what is the sort of thing  
13 going on, and what they were doing.

14 Thirty-two prosecutions, for example,  
15 for gambling devices; conducting lotteries.

16 Twenty-one prosecutions, seventeen  
17 convictions, bookmaking.

18 Twenty prosecutions, thirteen con-  
19 victions -- and so on.

20 And then the Commissioner refers in  
21 this 1956 report to an unprecedented  
22 highway safety campaign, with fines for  
23 the province totalling \$1,720,000, pointing  
24 out that this was an increase of over  
25 \$1 million for the previous year.

26 THE COMMISSIONER: I do not want to get  
27 into some field where I have not been  
28 invited!

29 THE WITNESS: Quite right, but I have  
30





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1 to point that out; that that was a year of very  
2 great activity, of all our police. And I  
3 can claim to have spearheaded that drive for  
4 safety. And the Police Commissioner expresses  
5 appreciation for counsel, or myself and the  
6 Deputy Attorney General, and the Department;  
7 and I submit, sir, that I am sure that  
8 police surveillance continued into early  
9 1957, when a real drive against all these  
10 three clubs unfolded.

11 And I think that certain correspondence  
12 that we have here indicates that: that that  
13 was the case. That is, that they stepped  
14 up the drive.

15 On March the 29th, 1957: a confidential  
16 memorandum to the Attorney General from  
17 Commissioner McNeill. That is Exhibit 71.

18 THE COMMISSIONER: 217

19 THE REGISTRAR: 71, sir.

20 MR. WILSON: 71.

21 THE WITNESS: 71.

22 THE COMMISSIONER: I see.

23 THE WITNESS: This letter delineates  
24 activities, either of two or three clubs. I  
25 might say that prior to this date -- some  
26 weeks prior to this date, the Commissioner  
27 had discussed the matter with me, and then  
28 he had dealt with these three District  
29 Inspectors: Chatham, Niagara Falls and  
30



The first of these is the fact that the  
 government has been unable to raise the  
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 factors, including the fact that the  
 government has been unable to raise the  
 necessary funds to meet its obligations.





1 Newmarket. The three districts where those three  
2 clubs were located.

3 THE COMMISSIONER: Q. Where?

4 A. The Chatham district was dealing  
5 with the Windsor club; the headquarters at  
6 Chatham.

7 The Niagara Falls headquarters would  
8 deal with the Bertie Township clubs, and the  
9 Newmarket -- in that town, they had the  
10 headquarters of the police in Toronto; but  
11 it was in Newmarket, that was District No. 5,  
12 and that dealt with the club on Highway No. 10,  
13 or off Highway No. 10. And then, this  
14 letter indicates that they had worked  
15 out a method of attack, and at the conclusion  
16 of page 2 I will read that:

17 "At the conclusion of the  
18 "meeting it was agreed that the  
19 "following procedure would be taken to  
20 "discourage gambling activities in these  
21 "clubs, and in the meantime other  
22 "efforts continued to obtain sufficient  
23 "evidence to warrant prosecution.

24 "(1) Sergeant J.M. Anderson  
25 "of the Anti-Gambling Branch, with the  
26 "co-operation of the above-named  
27 "District Inspectors, in charge of  
28 "Districts 1, 4 and 5, in which these  
29 "three establishments are located,



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1 "will arrange and supervise periodic  
2 "raids. Personnel participating  
3 "in these raids will be instructed  
4 "on the proper procedure to follow and  
5 "conduct themselves in a manner which will  
6 "not give the operators or patrons any  
7 "opportunity to criticize their actions.  
8 "It is felt that if this plan of operation  
9 "is continued, and supported by the  
10 "Department, it might at least  
11 "discourage those responsible for the  
12 "games, and produce a feeling  
13 "of uncertainty in the minds of the  
14 "patrons, especially those from the United  
15 "States who visit the Clubs.

16 "(2) Police personnel will  
17 "not necessarily conduct raids in  
18 "every instance, but will maintain close  
19 "observation of the premises and frequently  
20 "conduct motor vehicle inspections  
21 "on the roads under our jurisdiction  
22 "which are in close proximity to the  
23 "establishments, and in this manner  
24 "contribute somewhat to the disturbance  
25 "of peace of mind to those  
26 "involved.

27 "(3) Sergeant Anderson will  
28 "co-operate with the officials of the Fire  
29 "Marshal's Office to ascertain if these  
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1 "Clubs are conforming with the fire

2 "regulations of the Province of Ontario.

3 "With respect to this item I might

4 "advise that a representative of the Fire

5 "Marshal's Office has been in

6 "touch with Sergeant Anderson, and such

7 "representative intends to make

8 "an inspection of the premises as

9 "soon as possible.

10 "It is significant to point out

11 "that although our personnel have made

12 "a sincere effort to secure membership

13 "in these Clubs, their applications

14 "have always been refused by the executive

15 "of the establishments, without a

16 "reasonable excuse for rejection being

17 "given, and despite the fact that our

18 "personnel are veterans of World War II.

19 "At the conclusion of the meeting

20 "it was decided that after several

21 "raids had been conducted in

22 "accordance with the above policy, a meeting

23 "would be held to carefully review

24 "the results, and further plans of

25 "operation completed in an effort to

26 "put these establishments out of

27 "operation."

28 MR. WILSON: Q. What gave rise to this

29 series of reports you got from Commissioner

30



The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of California.

The total area of land owned by the United States in California is approximately 100 million acres. This land is divided into several categories, including National Forests, National Monuments, and other public lands.

The National Forests are managed by the U.S. Forest Service, which is part of the Department of Agriculture. The National Monuments are managed by the U.S. Fish and Wildlife Service, which is also part of the Department of Agriculture. Other public lands are managed by the Bureau of Land Management, which is part of the Department of the Interior.

The Bureau of Land Management has been working to develop a comprehensive plan for the management of its lands. This plan will take into account the needs of the various interest groups involved, including ranchers, miners, and conservationists.

The plan will also take into account the need to protect the environment and to provide for the sustainable use of the lands. The Bureau of Land Management believes that it can meet these challenges by developing a system of land management that is based on sound science and sound policy.





1 particulars, some of which I have referred to;  
2 they are from Commissioner McNeill's report.  
3 And when it came to me with the attached  
4 memorandum from Mr. Bowman, with the type of  
5 thing about gambling, suitable for Mr. Scott,  
6 I saw this; and to my amazement -- I read it.

7  
8 (Page 11930 follows)





E/L/JT

1 MR. WILSON: Q. You are reading from  
2 a copy of a report made by Sergeant Anderson?

3 A. By Sergeant Anderson, dated  
4 the 14th of January, 1957. I read in  
5 paragraphs - rather, I read the paragraph which  
6 is the third from the bottom:

7 " Following verbal instructions  
8 "of the Attorney-General, Mr. Roberts,  
9 "that the three alleged gaming  
10 "houses operating in the province  
11 "be raided only on receipt of direct  
12 "complaints, three raids took place  
13 "during the year, each one with  
14 "nil results. These places still  
15 "continue to operate as legitimate  
16 "clubs and very few complaints are  
17 "received as to their alleged illegal  
18 "activities."

19 That caused me to get in touch with  
20 Commissioner McNeil. The House was also opening  
21 and we had some questions and answers about  
22 general club problems of gambling and there  
23 was evolved a plan, a stepped-up plan, to  
24 put a full-out drive on to see by that method,  
25 within proper legal bounds, if something could  
26 be accomplished, something up to now for  
27 many, many years apparently had never been  
28 accomplished, and that is the position with  
29 respect to that.  
30





WV

Mr. Wilson: I am not reading from

the book of Genesis, but I am reading from

the book of Genesis, chapter 1, verse 1.

In the book of Genesis, chapter 1, verse 1, it says:

"In the beginning, God created the heavens and the earth."

It is the same God who created

the world, the universe, and all that is in it.

"In the beginning, God created the heavens and the earth."

That is the first verse of the Bible.

It is the same God who created

the world, the universe, and all that is in it.

"In the beginning, God created the heavens and the earth."

That is the first verse of the Bible.

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"In the beginning, God created the heavens and the earth."

That is the first verse of the Bible.

It is the same God who created the world, the universe, and all that is in it.



1 It might be of interest to mention the  
2 memorandum that was supplied to me by Mr.  
3 Bowman, memorandum re gambling.

4 " The attached copy of a  
5 "statement made by the Attorney-  
6 "General of the United States to  
7 "the Kefauver Committee outlines  
8 "the evil that flows from organized  
9 "gambling. Laws to suppress it  
10 "have been enacted by the Parliament  
11 "of Canada and form part of the  
12 "Criminal Code. The Provincial  
13 "Legislature cannot extend or change  
14 "the laws in any way but it has made  
15 "the operation of gambling houses  
16 "and slot machines more difficult  
17 "by passing the Disorderly Houses  
18 "Act and the Slot Machine Act. The  
19 "former Act provides for procedure  
20 "to close up for a period of one  
21 "year premises used for illegal  
22 "gambling, the latter provides for  
23 "seizure and destruction of slot  
24 "machines. Responsibility for  
25 "enforcement of the Criminal Code  
26 "respecting gambling rests with the  
27 "Province. The special branch of  
28 "the Ontario Provincial Police Force  
29 "known as the Anti-gambling Branch,  
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1 "discharges their responsibility  
2 "with rigor in all parts of the  
3 "Province in co-operation with  
4 "local police forces or on their  
5 "own. The members of this branch  
6 "last year conducted a strenuous  
7 "campaign of investigation that  
8 "resulted in an average of about  
9 "3 convictions a week and the  
10 "breaking up of many organized  
11 "gambling groups."

12 And that is dated January the 28th, 1957.

13 Q. I think you mentioned the Fire  
14 Marshal was brought into the picture. Whose  
15 idea was that?

16 A. As a matter of fact, when this  
17 stepped-up drive was going on -- we were  
18 all, I think, trying to find ways and means.  
19 It was obvious it was a real problem and I  
20 wondered if our Fire Marshal perhaps couldn't  
21 find at some reasonably good requirement that  
22 might be costly enough to cause some real  
23 change in the structures of these particular  
24 clubs of sufficient expense that in itself  
25 might be quite useful.

26 Now, I don't know whether I should  
27 apologize for such a thought or not, Mr.  
28 Commissioner, but at any rate we got the Fire  
29 Marshal working on it and he did have some  
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1 hearings and he did achieve certain, or make  
2 certain orders in relation to that.

3 Q. So far as that stepped-up  
4 campaign is concerned, did you receive, then,  
5 during the spring of 1957, regular reports  
6 from Commissioner McNeill?

7 A. Yes, as I said a moment ago,  
8 sir, I was thinking I was a bit disturbed by  
9 what looked to me as if on something that  
10 had happened, or alleged to have happened in  
11 May, '56, that might have, that had any bearing  
12 or was intended to relate merely to a situation  
13 at that particular moment, trying some new  
14 method, that I would as late as January of '57  
15 find such a statement as that in the report  
16 of Anderson. I wanted to make sure that  
17 this particular force was doing some real  
18 work in this field and I asked the Commissioner  
19 to see I was advised by confidential letter  
20 at short intervals for a period until I was  
21 sure this thing was proceeding and what they  
22 were doing, and that is how it came about  
23 I got several letters of a confidential nature  
24 in this period.

25 Q. We have them filed as Exhibit  
26 72, 73 and 74 and also 75.

27 A. Yes. Perhaps it is not necessary  
28 for me to make particular reference to them.

29 Q. I think they have already  
30 been referred to and read.





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1           A.       Except to say this, they did begin  
2 to show the stepping-up in itself was getting  
3 pretty aggressive and in one case -- I say  
4 this with some concern -- I read that they  
5 were going around with warrants in their  
6 pockets produced to suit them at any particular  
7 time. I didn't think in the administration  
8 of justice that kind of practice could be  
9 allowed for very long. Under the section  
10 of the Code concerned it is not intended you  
11 wander around with search warrants indis-  
12 criminately and use them when you feel like  
13 it. It could turn into a police state  
14 pretty rapidly if that sort of practice was  
15 allowed to go very far among your police.

16  
17           I would insist, of course, they adhere  
18 to the section of the Code in relation to  
19 warrants.

20           And then the constant, the very constant  
21 raiding, observations made night after night --  
22 I have a summary of all that here I want to  
23 refer to -- but very generally now, going on  
24 for a period of months it did cause complaints  
25 to come in on behalf of these clubs and did  
26 cause concern to both the Deputy and myself  
27 in relation as to how far the police are  
28 legitimately and properly to go, and nobody  
29 is quicker to stop than when it gets in  
30 front of them than one of our judiciary when







1 they find anything of that sort going on  
2 beyond the proper bounds of proper police work.

3 Now, with all these things going on  
4 over that period -- I would like to refer to  
5 them in a little more detail here -- we  
6 arrived at a certain position which I am  
7 leading up to, except to say I want particular  
8 note be taken of letters that I mentioned,  
9 including the one of April 5th, 1957 which  
10 is Exhibit 72, I think, of yours.

11 Q. That is one of the ones you have  
12 just referred to?

13 A. Yes.

14 Q. They are memorandums rather than  
15 letters?

16 A. Yes. And again on April the  
17 12th of 1957 another confidential report  
18 covering the same three clubs and pointing  
19 out that no evidence of any kind was obtained  
20 during these raids. This report concludes  
21 with the statement that:

22 "Every effort is being made to  
23 "place a representative of the  
24 "forces or police officer in these  
25 "premises with the hope that  
26 "sufficient evidence will be  
27 "secured to justify prosecution."

28 And then that brings me down to the  
29 report on May 10th, '57, again a memorandum, showed  
30





1 since April 12th several discussions had  
2 been held with Messrs. Cannon, Bowman and  
3 Commissioner McNeil with respect to the  
4 continued operations of the three clubs and  
5 I quote from that one that:

6 " The present approved modus  
7 "operandi with respect to these  
8 "three clubs is to be maintained  
9 "and wherever circumstances justify  
10 "periodic raids are being made."

11 And then reference is made also to a  
12 search of the Bartle Township club on May  
13 6th, 1957 and I quote from that one, but  
14 nothing untoward was observed. District  
15 Inspector Marsland reported:

16 " The activities of this  
17 "establishment have not sub-  
18 "stantially decreased. It is  
19 "felt the concentrated action on  
20 "the part of our personnel is  
21 "having a discouraging or retarding  
22 "effect."

23 And, again, the reports dealt with by  
24 the District Inspector at Newmarket in relation  
25 to the Toronto Township premises. His  
26 report indicates no activity since April 27th.  
27 I quote:

28 "It is felt the patrons and visitors  
29 "are being advised to discontinue  
30







1 "attendance until notified that

2 "activities of this club are

3 "being resumed."

4 I would say an examination of these  
5 three reports of August the 9th, 1961, of  
6 Sargeant Anderson shows tremendous activity  
7 with respect to all three clubs in March,  
8 April, May, June and part of July, 1957.

9 Now, at that point there was a complaint.  
10 Mr. Herman, Mr. Louis Herman, wrote under  
11 date of April the 22nd, 1957, sending a  
12 letter with a series of telegrams and  
13 correspondence including the following, which  
14 one L.J. Johnston wrote to Mr. J.F. MacNamara,  
15 Dominion organizer, Army, Navy and Airforce  
16 Veterans in Canada, and several wires  
17 Herman received from various people and all  
18 protesting the type of activity that the  
19 club membership was being subjected to,  
20 protesting vehemently against permitting  
21 a police force -- and I quote because the  
22 language was rather picturesque --

23 " To permit a police force

24 "to constantly harass, embarrass,

25 "hinder, interrogate and annoy

26 "the members of this club is to

27 "permit them to mete out punish-

28 "ment without proof of guilt."

29 The letter also protested against what  
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1 he called unfair newspaper reports of illegal  
2 actions. On one or two occasions previously  
3 when he had protested police activities I  
4 had stressed to Mr. Herman the great dis-  
5 advantage which our police felt they were  
6 under by reason of the clubs he represented  
7 operating under Federal charters, indicating  
8 we would have much better control were they  
9 operating under Provincial charters. He  
10 previously had shown no indication of  
11 offering to make a switch as evidence of  
12 good faith which he from time to time alleged  
13 on behalf of his clients. And, as he  
14 claimed, their legal operations.

15 THE COMMISSIONER: Q. I like the way  
16 you put that, "evidence of good faith".

17 A. It was put to me as if they  
18 were ---

19 Q. He was alleging good faith?

20 A. He was alleging. Subsequent  
21 events have proved, of course, otherwise,  
22 but actually the problems of proof were  
23 very difficult at that time.

24 The spring of 1957 had been a very  
25 busy one for me -- and I won't mention the  
26 details of that -- but I was away a good deal  
27 and then the Deputy Attorney-General was  
28 just about to retire, Mr. Magone, and on  
29 May 1st of 1957 he retired and Mr. Common took  
30



1. The first part of the report deals with the general situation of the country and the progress of the work of the Commission.

2. The second part deals with the work of the Commission in the field of the study of the history of the country.

3. The third part deals with the work of the Commission in the field of the study of the geography of the country.

4. The fourth part deals with the work of the Commission in the field of the study of the natural resources of the country.

5. The fifth part deals with the work of the Commission in the field of the study of the social and economic conditions of the country.

6. The sixth part deals with the work of the Commission in the field of the study of the culture and education of the country.

7. The seventh part deals with the work of the Commission in the field of the study of the science and technology of the country.

8. The eighth part deals with the work of the Commission in the field of the study of the law and administration of the country.

9. The ninth part deals with the work of the Commission in the field of the study of the foreign relations of the country.

10. The tenth part deals with the work of the Commission in the field of the study of the international law and the international relations of the country.





1 over as Deputy Attorney-General. I did a  
2 good deal of travelling around the Province  
3 at that time and Mr. Common had taken some  
4 active part as would appear from a letter  
5 dated May the 6th, 1957 from Commissioner  
6 McNeill to him outlining the position submitted  
7 by Sergeant Hatch with respect to the  
8 Sandwich South premises. It is not shown  
9 as being filed on my record here. I would  
10 like to file that, if you would read that  
11 into the record, Mr. Wilson, for me.

12 MR. WILSON: This is a memorandum of  
13 6 May 3th, 1957, from Commissioner McNeill to  
14 W.B. Common re Army, Navy and Airforce Club,  
15 327 Walker Road, Sandwich South, Ontario:

16 " I forward herewith for  
17 "your information copy of report  
18 "dated May 3rd submitted by  
19 "Sergeant J.H. Hatch of Essex  
20 "Detachment, having reference to  
21 "the activities at the marginally-  
22 "captioned gambling establishment.  
23 "You will recall our conversation  
24 "last week and I thought you would  
25 "be interested in the information  
26 "pertaining to the method now adopted  
27 "by the principals of this club  
28 "in refusing admittance to its  
29 "patrons. Your attention is specifically  
30





In 1946, the Government of India, through the Ministry of Education, decided to establish a new university in the State of Madras. This decision was based on the need for higher education in the region and the desire to provide a center for research and scholarship. The Government of India, through the Ministry of Education, decided to establish a new university in the State of Madras. This decision was based on the need for higher education in the region and the desire to provide a center for research and scholarship. The Government of India, through the Ministry of Education, decided to establish a new university in the State of Madras. This decision was based on the need for higher education in the region and the desire to provide a center for research and scholarship.

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1 "drawn to the remarks contained  
2 "in paragraph 3 of the report  
3 "of Sergeant Hatch with respect  
4 "that apparently the patrons are  
5 "being refused admittance and  
6 "advised not to return to the  
7 "establishment until further  
8 "notified."

9 That had not been filed, Mr. Commissioner.

10 THE COMMISSIONER: Nor the Hatch report.

11 MR. WILSON: Nor the Hatch report,  
12 to my knowledge.

13 THE COMMISSIONER: I was looking for  
14 it but I don't recall it. We had better  
15 get the Hatch report rather than McNeill's  
16 memorandum.

17  
18 ---EXHIBIT NO. 283: Letter, dated May 6, 1957,  
19 to W.B. Cason from  
20 Commissioner McNeill,  
with Sergeant Hatch's report  
attached thereto.

21 MR. WILSON: We might get the report  
22 and attach it to this document as one exhibit.

23 THE WITNESS: Then I might say that  
24 Mr. Louis Herman asked for and obtained an  
25 appointment for Monday, the 25th of June,  
26 1957.

27 THE COMMISSIONER: Q. Monday, what?

28 A. Monday, the 25th of June, 1957.  
29 Our records show it was at 2:30 p.m., and this  
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There is no further business.

The meeting is adjourned.

The meeting adjourned.

The meeting adjourned.

The meeting adjourned.

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The meeting adjourned.

Respectfully,  
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Respectfully,  
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The meeting adjourned.

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The meeting adjourned.

The meeting adjourned.





1 interview was attended by Mr. Cannon, the  
2 Deputy Attorney-General. Mr. Herman's purpose  
3 was to protest violently the police action  
4 with respect to the clubs and patrons and  
5 also the actions of the senior officials of  
6 the Department in permitting this.

7 As I recall it, there was quite a  
8 heated discussion. Mr. Herman at one point,  
9 after urging the innocence of his people,  
10 indicated his clients would be willing to  
11 forsake the shelter of the Federal charter  
12 protection, which we had always contended  
13 was undesirable, or that he could recommend  
14 they would do it -- I am not clear whether  
15 he was speaking as solicitor or speaking  
16 as for them -- but he gave the clear indication  
17 he was ready to have them forsake the Federal  
18 charter protection for what I felt was a  
19 much stronger position, namely, the Ontario,  
20 the authority of Ontario charters which we  
21 had always contended had far more control  
22 and authority by the Provincial Secretary  
23 and the Deputy Provincial Secretary over clubs.

24 Personally, when Mr. Herman indicated  
25 his willingness on his behalf, on his part,  
26 I felt it was highly desirable to make this  
27 switch, knowing that no longer would it be  
28 necessary to obtain a conviction in any  
29 of these cases in order to put the particular  
30







1 club concerned out of business, the type  
2 of offences and acts of omission and co-  
3 mission which are provided for in Ontario  
4 social club charters, and the practice of  
5 the Provincial Secretary's office would be  
6 brought into play as required. My advisors,  
7 including the Deputy Attorney-General, shared  
8 these views. It was understood then steps  
9 would be taken to make this changeover if  
10 the Provincial Secretary or the Deputy  
11 Provincial Secretary would concur and an  
12 interdepartmental discussion did take place  
13 away  
14 although I was ~~was~~ on holiday for most of July.

15 I did come back from Lake Simcoe  
16 on the morning of Thursday, July 18th, 1957,  
17 and did attend a Cabinet meeting that day.  
18 I should also say I had also attended a  
19 Cabinet meeting on Thursday, June 27th before  
20 going on holidays. I am quite certain that  
21 these matters were mentioned on those  
22 occasions.

23 Then on July 18th, 1957, I issued a  
24 press release. Also one was issued by the  
25 Fire Marshal relating to the Vets Club, No. 327  
26 Sandwich South premises, in which he granted  
27 an adjournment of three weeks in order for  
28 the club to carry out detailed alterations  
29 and changes in the premises as had been  
30 determined.







Before referring to memoranda in relation to the granting of those Ontario charters, I would like to recapitulate pointing out that the report of August the 9th, 1951, by Sergeant Anderson shows that with respect to the Centre Road Unit No. 326 Veterans Association, some 14 warrants were executed, many observations were made over the five months prior to mid-July, 1957. No charges were laid due to evidence being obtained. Likewise, similar evidence of action in Bertie Township over the same period indicated by the report shows some 12 warrants executed and 19 observations with no charges. Of course, speaking from the time of these things -- and at this time I can assure your lordship I had not the slightest thought that there was anything such as has been indicated here and was indicated to me, of course, when the Wright matter came up, that there was anything in the nature of leaks going out ahead of these, and if that was the case we wouldn't expect success, but on the basis of what one would hope for, and no knowledge of anything of that sort going on, it seemed to me this kind of procedure ought to have gotten some results by that time if it was going to succeed at all, and wasn't going to deteriorate into the type of action that either



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1 you or myself would want to see go on  
2 indefinitely against any individual. Likewise,  
3 there was similar evidence of activity in  
4 the Windsor area consisting of continuous  
5 observations, except Sunday, from six p.m.  
6 to two a.m. daily during April, May, June  
7 and July. One warrant was issued but no  
8 charges were laid. There had been, as I  
9 have mentioned, complaints -- bitter complaints --  
10 about this type of activity on the part  
11 of the police and I think it is fair to  
12 say that our courts do not take too kindly  
13 to the type of police action which appears  
14 to be overreaching or interfering with  
15 the normal rights of citizens.

16  
17 If I may say so, we in this Province  
18 have never countenanced a policy -- not under  
19 any Conservative administration anyway -  
20 a policy that the end justifies the means,  
21 but, rather, that one should only be deprived  
22 of his liberty by due process of law.

23 It is apparent that people in the  
24 position of Attorney-General, Deputy Attorney-  
25 General, and senior advisors, must keep a  
26 proper balance. The rights and liberties  
27 of citizens on the one hand must never be  
28 unnecessarily reduced or restricted or dis-  
29 regarded, while on the other hand realizing  
30 the very difficult work which our police have



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1 to undertake, they are entitled to whole-  
2 hearted support within the bounds of proper  
3 and sensible police action. It is in that  
4 atmosphere I try to operate.

5 THE COMMISSIONER: Let us get the facts.

6 A. I want to make clear to you,  
7 sir, and everybody, it is in that atmosphere  
8 I have always tried to operate in the seven  
9 or more years I have been Attorney-General  
10 in the Province of Ontario.

11 At any rate, all this provided a  
12 background for it and certainly had its effect  
13 on the decision which was made. Since all  
14 these clubs had been subjected to continuous  
15 and intensive police action over several  
16 months, it would be justly that they would  
17 be suspect and no one in his right senses  
18 would expect the police to give a clean clear  
19 bill of health to them. We are in the position,  
20 in effect, of giving the opportunity to these  
21 three to move themselves and their personnel  
22 and their activities from the shelter of the  
23 Federal protection to the less sheltered  
24 authority and scope of operations as provided  
25 by Provincial charters. That is exactly what  
26 was done. There is no question about that  
27 and there is no question about me accepting  
28 full and complete responsibility for it.

29 I regret very much that some of our police  
30





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1 did not seem to appreciate this course  
2 of action, and the real purpose of it as  
3 appears from some of the evidence which has  
4 been presented. That is unfortunate, it is  
5 unfortunate they didn't, if nothing else,  
6 read their newspapers. However, it will be  
7 recalled, on this Cabinet day, Thursday,  
8 July the 18th, 1957 -- the day I came back  
9 while on holidays -- from the Parliament  
10 Buildings I issued a press release which  
11 was widely publicized at the time and which  
12 has been read into the record here earlier  
13 in these proceedings. I will again ask  
14 the indulgence of Mr. Wilson, if he would  
15 read this press release.

16  
17 MR. BREWSTER: I wonder, if it is in  
18 the record, if I could have the exhibit number?

19 MR. WILSON: It is not in the record,  
20 it has been read to the record.

21 THE COMMISSIONER: I remember hearing  
22 it.

23 THE WITNESS: I think perhaps it would  
24 be refreshing to get it again, sir, if it could  
25 be permitted.

26 THE COMMISSIONER: Read it, Mr. Wilson.

27 MR. WILSON: It is a press release  
28 issued by the Honourable A.Kelso Roberts, Q.C.,  
29 July 18th, 1957:

30 " From time to time there have







1 "been comments in the press  
2 "concerning alleged gambling in  
3 "certain premises occupied by clubs  
4 "operating under Federal Club charters.  
5 "There are three of these clubs which  
6 "have been mentioned from time to  
7 "time, one located in the Windsor  
8 "area, one in the Niagara Falls  
9 "area, and one in the Metropolitan  
10 "Toronto area.

11 " The vast majority of in-  
12 "corporated social clubs operating  
13 "in Ontario are incorporated under  
14 "the Ontario Corporations Act, and are  
15 "subject to the jurisdiction and  
16 "practices prescribed by the Provincial  
17 "Secretary. These three clubs  
18 "incorporated under the Federal  
19 "charters have, to say the least,  
20 "left themselves open to suspicion  
21 "by reason of the nature of the  
22 "premises with respect particularly  
23 "to entrance and exit facilities,  
24 "which in the case of Ontario  
25 "Incorporated Clubs would come  
26 "under quick attention and correction.  
27 "The Attorney General of Ontario  
28 "has had discussion with the  
29 "former Minister of Justice concerning  
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1 "this situation, but the latter  
2 "did not see fit to adopt a  
3 "similar practice with respect  
4 "to federal chartered clubs in  
5 "existence in the Province of  
6 "Ontario.

7 " I am glad to say, however,  
8 "that recently the executives of  
9 "the clubs concerned have agreed  
10 "to be subject their clubs to the  
11 "restrictions and requirements  
12 "of the Ontario authority by  
13 "operating under charter of the  
14 "Ontario Provincial Secretary.  
15 "The Honourable George H. Dunbar  
16 "has kindly co-operated to bring  
17 "about this highly desirable  
18 "result. The new charters contain  
19 "the following provisions which  
20 "are contained in most Ontario  
21 "incorporated social club charters:

22 " "The corporation is prohibited  
23 " from occupying and using a  
24 " house, room or place as a  
25 " club which, except for the  
26 "provisions of (a) of subsection  
27 " (2) of Section 168 of the  
28 " Criminal Code of Canada, would  
29 " be a common gaming house  
30







1 within the meaning of paragraph  
2 (e) of subsection (1) of the  
3 said Section 158; and if it  
4 is made to appear to the  
5 satisfaction of the Provincial  
6 Secretary that the corporation  
7 purports so to use a house,  
8 room or place, these Letters  
9 Patent may be cancelled by and  
10 in the discretion of the  
11 Lieutenant-Governor.'

12 and further:

13 'if it is made to appear to the  
14 satisfaction of the Provincial  
15 Secretary that the premises  
16 occupied by the corporation  
17 are equipped, guarded or other-  
18 wise constructed or operated so  
19 as to hinder or prevent lawful  
20 access to and inspection of  
21 such premises by police or fire  
22 officers or are found fitted or  
23 provided with any means or  
24 contrivance for playing any  
25 game of chance or any mixed  
26 game of chance and skill, gaming  
27 or betting, or with any device  
28 for concealing, removing or  
29 destroying such means or  
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1                   "           contrivance, these letters

2                   "           Patent may be cancelled by

3                   "           and in the discretion of

4                   "           the Lieutenant Governor.'

5                   "           It will be seen that operating

6                   "           in this way under their new charters,

7                   "           these clubs which have been suspect

8                   "           will be able to operate if they do

9                   "           so in a legal manner but if they

10                  "           carry on illegal practices they

11                  "           will be subject to speedy and

12                  "           effective discipline.

13                  "           This problem for a number of

14                  "           years has given great concern to the

15                  "           public and the law enforcement

16                  "           authorities and has been a very

17                  "           difficult one for the latter to

18                  "           resolve.   The corporate changes

19                  "           indicated in the foregoing statement

20                  "           should be beneficial."

21                  That was read in at page 192.

22                  THE WITNESS:   Sir, if I may, to show  
23                  again this received widespread publicity,  
24                  I produce just one clipping here from the  
25                  Globe and Mail on July 19th.  
26                  

27                  THE COMMISSIONER:   Page what?

28                  MR. WILSON:   192.

29                  THE WITNESS:   Merely confirmation of  
30                  the widespread publicity given to this press



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1 release at the time.

2 THE COMMISSIONER: Q. Whether they  
3 did give it wide publicity or narrow publicity  
4 doesn't affect what you were doing?

5 A. It affects the thinking of  
6 many people sometimes.

7 Q. We have it on the record now --

8 A. I merely refer to the report.

9 Q. -- the method to try to overcome  
10 what the difficulty was.

11 A. I think I can say this without  
12 a problem, this press release did get wide-  
13 spread publicity. That is all I need to  
14 say, sir. There is a Fire Marshal's release  
15 too the same day. I think this had been  
16 filed. Fire Marshal Scott issued a short  
17 release which I copied, sir.

18 "Ontario Fire Marshal W.J. Scott  
19 "stated today that on the adjourned  
20 "hearing of the appeal by the  
21 "Army, Navy and Airforce Veterans  
22 "Unit No. 237 at Windsor on an  
23 "order issued under The Fire  
24 "Marshal's Act there was an  
25 "adjournment of three weeks in order  
26 "to enable the group to carry out  
27 "detailed alterations and changes  
28 "in the premises as had been  
29 "discussed at the previous hearing  
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1 "and in accordance with a plan  
2 "For the alterations as submitted  
3 "and filed at this hearing."

4 MR. WILSON: It is one o'clock.

5  
6 ---Whereupon the hearing adjourned at 1:00  
7 p.m. to reconvene at 2:15 o'clock p.m.

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12 (Page 11955 Follows)



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---On resuming at 2.25 p.m.

THE COMMISSIONER: Have you that last exhibit?

THE REGISTRAR: Yes, Exhibit 283.

MR. WILSON: Q. Then, would you just go along?

A. Just to keep the record as complete as I can on this, I would like to refer to a memorandum dated June 5th, 1957, from Commissioner McNeill to the Deputy Attorney General, Mr. Common, relating to the three clubs.

THE COMMISSIONER: Q. What date?

A. June the 5th, sir, 1957. I think it is Exhibit 75, already filed. There was a request in that letter which was turned down by the Commissioner. A request made on behalf ---

THE COMMISSIONER: It is not Exhibit 65.

MR. WILSON: 75.

THE WITNESS: It is nothing of great consequence, other than to point out that the Commissioner of Police turned down a request by Mr. Herman that they be given regular patrol service of this club on Centre Road, to avoid break-ins and thieving and something of that sort.

And then I am just going to refer to these as part of the sequence of events. A



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THE UNITED STATES OF AMERICA  
DO hereby certify that

the following

is a true and correct copy

of the original as the same appears in the files of the

Department of Justice

in accordance with the provisions of the

Act of March 3, 1907, Chapter 110, Section 103

and the Act of March 3, 1909, Chapter 110, Section 103

and the Act of March 3, 1909, Chapter 110, Section 103

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and the Act of March 3, 1909, Chapter 110, Section 103





1 letter from Louis Herman dated July 3rd, 1957, to  
2 the Attorney General. These all have to do  
3 with the procedures in carrying into effect  
4 the interlocking arrangement to transfer  
5 from the federal charter to the provincial  
6 charters, and I don't think it is necessary  
7 for me to do more than just refer to them.

8 THE COMMISSIONER: Q. You might refer  
9 to them, if you know the exhibit number.

10 A. Yes. The first one, July 3rd,  
11 1957, Exhibit 175, according to my records  
12 here. And then Exhibit 58.

13 Q. Just a moment. Yes?

14 A. Exhibit 58, a letter dated July 5th,  
15 1957, from Herman, Moses & Rose, per Louis  
16 Herman, to the Attorney General, with a copy  
17 to Mr. Common.

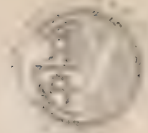
18 Then a letter dated July 10th, 1957,  
19 from Mr. Sydney to Mr. Bowman re the three  
20 clubs, and this is Exhibit 59. That letter  
21 supplies the three names, in each case, of  
22 the applicants for the new three clubs.

23 Also a copy of a letter dated July the  
24 11th, 1957, from the Herman firm to the  
25 Deputy Provincial Secretary, re Roseland  
26 Veterans Association. As a matter of fact,  
27 I believe that is 57-B.

28 MR. WILSON: It is not 57-B.

29 Q. You said July 11th, 1957?  
30



[illegible]



1 A. July 11th, 1957.

2 THE COMMISSIONER: It is not Exhibit 57 at  
3 all.

4 MR. WILSON: A letter from the Deputy  
5 Provincial Secretary to Mr. Herman -- from Mr.  
6 Herman to the Deputy Provincial Secretary,  
7 you are quite right. It is part of 58.

8 THE WITNESS: 58, is it?

9 THE COMMISSIONER: Yes. Herman to Cudney.

10 THE WITNESS: From Mr. Herman to the  
11 Deputy Provincial Secretary. That particular  
12 letter was re Centre Road Veterans Association  
13 with similar observations and materials.

14 There were three letters, one for each club.

15 Also a memorandum of July 11th, 1957,  
16 by Sergeant Anderson to Assistant Commissioner  
17 J. Bartlett, re applicants for club charters.  
18 That is, I believe, in as Exhibit 9.

19 MR. WILSON: That is correct.

20 THE COMMISSIONER: Yes.

21 THE WITNESS: Those letters that I have  
22 mentioned in relation to the undertaking  
23 to effect federal charters and the club  
24 membership in the premises and so forth, I  
25 think you are familiar with them.

26 THE COMMISSIONER: Q. Yes.

27 A. And then this one of July the 11th.  
28 The Sergeant made a report. This memorandum  
29 has already been introduced and indicates that  
30



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1 the Sergeant did make the report in the name of  
2 the applicants, the three directors of each of  
3 the three clubs concerned, to Assistant  
4 Commissioner Bartlett.

5 It would appear that the following day,  
6 July 12th, 1957, in the morning a conference  
7 was held between Mr. Common, the Deputy  
8 Attorney General, Mr. Bowman, the Director  
9 of Public Prosecutions, Assistant Commissioner  
10 Bartlett and Sergeant Anderson of the Anti-  
11 Gambling Squad, as appears from a memorandum  
12 from Mr. Common to myself of July 12th, 1957.

13 I don't know whether that has been put  
14 in as an exhibit.

15 MR. WILSON: It has not.

16 THE WITNESS: If that could be then  
17 presented as an exhibit. (Produced)

18 THE COMMISSIONER: Just a moment.

19 MR. WILSON: It was referred to yesterday,  
20 Mr. Commissioner, but it was not put in.

21 THE COMMISSIONER: Oh, I see.

22 THE WITNESS: Perhaps it could be read.

23  
24 ---EXHIBIT NO. 284: Memo from Mr. Common to Mr.  
Roberts, dated 12th July, 1957.

25  
26 MR. WILSON: Yes. I will read it in  
27 just a second.

28 A memo from Mr. Common to the witness,  
29 dated July 12, 1957, headed, "Suspected gambling  
30 clubs". Then it goes on:



1. The first part of the report is devoted to a general survey of the situation in the country.

2. The second part is devoted to a detailed analysis of the economic situation in the country.

3. The third part is devoted to a detailed analysis of the social situation in the country.

4. The fourth part is devoted to a detailed analysis of the political situation in the country.

5. The fifth part is devoted to a detailed analysis of the cultural situation in the country.

6. The sixth part is devoted to a detailed analysis of the scientific situation in the country.

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10. The tenth part is devoted to a detailed analysis of the tourism situation in the country.

11. The eleventh part is devoted to a detailed analysis of the environment situation in the country.

12. The twelfth part is devoted to a detailed analysis of the international situation in the country.

13. The thirteenth part is devoted to a detailed analysis of the future prospects of the country.

14. The fourteenth part is devoted to a detailed analysis of the conclusion of the report.

15. The fifteenth part is devoted to a detailed analysis of the appendixes of the report.

16. The sixteenth part is devoted to a detailed analysis of the bibliography of the report.

17. The seventeenth part is devoted to a detailed analysis of the index of the report.

18. The eighteenth part is devoted to a detailed analysis of the list of abbreviations of the report.

19. The nineteenth part is devoted to a detailed analysis of the list of symbols of the report.

20. The twentieth part is devoted to a detailed analysis of the list of tables of the report.

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1 "In order to keep you informed of  
2 "this matter and pursuant to our  
3 "telephone conversation of the 11th  
4 "instant, I understand from the  
5 "Provincial Secretary's Department  
6 "that the following provincial charters  
7 "are being issued. Centre Road  
8 "Veterans Association. Roseland  
9 "Veterans Association. Frontier  
10 "Veterans Association.

11 "On the understanding that  
12 "these clubs will occupy the premises  
13 "presently occupied respectively by  
14 "Unit 326, Army, Navy and Air Force  
15 "Veterans in Canada, Roseland Unit  
16 "327, Army, Navy and Air Force  
17 "Veterans in Canada, the Canadian  
18 "Merchant Navy Veterans Association.

19 "A conference was held this  
20 "morning between myself, W.C. Bowman,  
21 "Q.C., Assistant Commissioner  
22 "Bartlett and Sergeant Anderson of  
23 "the Anti-Gambling Squad. Keeping  
24 "in mind the desired end result,  
25 "that these clubs must not be  
26 "permitted to operate gambling houses  
27 "the following instructions have  
28 "been issued which I understand is  
29 "in line with your views in this  
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1 "matter.

2 "The Provincial Police will no  
3 "longer continuously park outside the  
4 "premises and will not take the names  
5 "of those who enter but they will  
6 "maintain observation by way of  
7 "periodic patrol and will make raids  
8 "when evidence is available which  
9 "would justify the same. You will  
10 "be kept fully informed as to the  
11 "operations of these premises."

12 THE WITNESS: And then attached to that  
13 letter is the letter that Sergeant Anderson --  
14 or a memorandum, given to E.V. McNeill,  
15 July 19th, 1957, which is, in effect, a  
16 confirmation of that.

17 MR. WILSON: Q. Could I see that document,  
18 please? I think it is Exhibit 12. I just  
19 want to be sure.

20 THE COMMISSIONER: Yes.

21 MR. WILSON: Q. Yes. I think it confirms  
22 that.

23 A. And I think, sir, that a reading  
24 of the memorandum would indicate clearly to  
25 those attending the conference with Mr. Common  
26 were aware of the circumstances that morning  
27 and knew of the subject matter of the  
28 memorandum.

29 It is noted also on July 12th, 1957, Mr.  
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1       Cudney wrote Mr. Bowman, referring to the three  
2       clubs, that the three associations had been  
3       incorporated under The Corporations Act, 1953.  
4       That would be No. 12, I think it is. Exhibit 12.

5       Q.       The memo of July 15th is No. 12..

6       A.       This is July 12th.   Mr. Cudney  
7       to Mr. Bowman.   The significance of this is  
8       that merely Mr. Cudney informed Mr. Bowman  
9       that the three associations had been  
10      incorporated under The Corporations Act, 1953,  
11      charters dated July 5th, 1957, to be sent  
12      out in a day or so.   These three new Ontario  
13      corporations are to take the place of the  
14      three Dominion associations.

15      It goes on to say:

16                "I would draw your attention in  
17      "the attached letter to the under-  
18      "taking filed by each of the Dominion  
19      "associations that they will not  
20      "operate a club house."

21      Q.       Now, I think that could be an  
22      exhibit.

23      A.       If there is any doubt, I would  
24      be glad to put it in.

25      THE COMMISSIONER:   It doesn't make much  
26      difference.

27      Q.       These provincial charters were  
28      granted with these restrictions?

29      A.       Yes.   Now that these three clubs  
30

[illegible]





1 were operating from the 18th of July, 1957,  
2 under the Ontario charters, it is of interest  
3 to look again at the three reports of August 9th,  
4 1961, by Sergeant Anderson. One of these  
5 reports refers to a memorandum No. 5, D.R.Q.  
6 files, July 19th, 1957, and I believe this is  
7 part of Exhibit 6.

8 MR. WILSON: Q. Exhibit 6 is right.

9 A. The Vets Unit 326, Centre Road,  
10 came under observations during August,  
11 September, October and November of 1957.  
12 Bertie Township premises were observed equally  
13 in September, when several warrants were  
14 issued, and in October and on into November,  
15 1957.

16 The Sandwich South Roseland Vets Association  
17 came under continuous observation, except  
18 Sundays, from August 26th to November 13th,  
19 and search warrants were executed on the 1st  
20 of September and the 13th of November.

21 And all this, of course, is from the  
22 information in these reports. A review of  
23 the material shows that there were a number  
24 of police reports in the fall of 1957,  
25 concerning the Roseland Club, and as early  
26 as the 12th of September, 1957, the Herman,  
27 Moses & Rose firm, under the signature of  
28 Mr. Lou Herman, was writing Mr. Common again,  
29 complaining that there had been continual  
30







1 harassing of the Roseland Club.

2 That is already in as Exhibit 178. It  
3 looks like "Z". Have you got that far up?

4 Q. Yes.

5 A. Yes. 178-Z.

6 Q. That is correct.

7 A. I also draw attention particularly  
8 to an Ontario Provincial Police report of  
9 November 19th, 1957, Essex Detachment, and  
10 one of December 3rd, 1957, the latter being  
11 quite an extensive one.

12 Exhibit 135 deals with the December 3rd  
13 one, I think.

14 Q. That is correct.

15 A. Would you have on record the  
16 November 14th, 1957, one? If not, I  
17 would be glad to put it in. It is a  
18 memorandum from McNeill to Common, dated  
19 November 14th, 1957.

20 Q. I will have to look at that. No,  
21 that has not been filed.

22  
23 ---EXHIBIT NO. 285: Letter from Commissioner McNeill  
24 to W.B. Common, dated 14th  
November, 1957.

25  
26 MR. WILSON: I have not got a copy of  
that.

27 THE COMMISSIONER: Just read it.

28  
29 MR. WILSON: Yes, I will. It is a  
30 memorandum from Commissioner McNeill to W.B.







Common, dated November 14th, 1957.

"The Army, Navy and Air Force Veterans in  
"Canada Club, Township Sandwich East, Unit 327.

"Confirming our telephone conversation,  
"this is to advise that District Inspector

"M. Ramsbottom of No. 1 District Head-

"quarters, Chatham, telephoned this

"office at 10.30 a.m. this date and

"reported that at 11.00 p.m. on the

"night of Wednesday, November 13th,

"personnel of our Essex detachment

"raided marginal premises. As a result,

"charges were laid against 30 individuals

"as found-ins and charges of keeping

"were preferred against the steward,

"Mr. Pitts, and also Messrs. Finnegan

"and Gardner. The accused persons

"appeared before a Justice of the Peace

"last evening, and \$1,000 cash bail

"taken from Messrs. Pitts, Finnegan

"and Gardner, and \$50 cash bail taken

"from those charged as found-ins.

"Although no dice were located, our

"personnel seized a certain amount of

"chips and money with approximately

"\$40,000 of mostly American funds.

"Inspector Ramsbottom added that this

"money was seized from individuals

"who had in their possession amounts



THE UNIVERSITY OF CHICAGO

1. The first part of the book is devoted to a general

discussion of the principles of the theory of

the function of the mind in the process of

the development of the individual.

2. The second part of the book is devoted to a

discussion of the principles of the theory of

the function of the mind in the process of

the development of the individual.

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discussion of the principles of the theory of

the function of the mind in the process of

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discussion of the principles of the theory of

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7. The seventh part of the book is devoted to a

discussion of the principles of the theory of

the function of the mind in the process of

the development of the individual.

8. The eighth part of the book is devoted to a





1 "exceeding \$300."

2 A. I might interject there. It might  
3 not be necessary to read all the detail. That  
4 was the raid that resulted in charges being  
5 preferred and two persons being convicted  
6 of keeping a common gaming house and terminated  
7 activities on the said Sandwich South premises.

8 It is interesting to note in this  
9 particular case that the complaint, which  
10 produced the required evidence, was from one  
11 who had participated and who was not  
12 connected with the police, but who came  
13 forward to give his evidence voluntarily.

14 THE COMMISSIONER: Q. There was a plea  
15 of guilty there.

16 A. Yes, when this man came forward.  
17 Mr. Gudney wrote to Mr. Common on February 24th,  
18 1958, advising that an order dated February  
19 14th, 1958, had been issued by the Provincial  
20 Secretary, cancelling the letters patent of  
21 the Roseland Veterans Association.

22 Again, for the record, I would like to  
23 file this letter. I don't think it has  
24 been filed before.

25 Q. We have somewhere evidence as  
26 to the date of the cancellation of the  
27 charter.

28 A. Well, it is definitely by letter  
29 sent by Mr. Gudney, advising Mr. Common, dated  
30







1 the 24th of February, 1958. It is the formal  
2 announcement of the Deputy Attorney General.

3 Q. What was the date of cancellation?

4 A. The order was dated February 14th,  
5 1958, cancelling the letters patent as of  
6 March the 8th, 1958. Apparently that must  
7 be complying with some arrangement there.

8 This, then, was the first of the three  
9 of these fortress-like clubs to disappear  
10 after having, for years, foiled the police.  
11 That was in the early part of 1958, four  
12 and a half years ago.

13 Now, going to the Frontier Veterans  
14 Association, Fort Erie, the Ontario charter  
15 succeeding Canadian Merchant Navy Veterans  
16 Association, we find that as early as July  
17 the 31st, 1957, within two weeks of the new  
18 Ontario charter, Mr. Harnack's firm was writing  
19 the Attorney General, complaining about the  
20 actions of the Ontario Provincial Police.  
21 The letter is dated July 31st, 1957, already  
22 in an Exhibit 178-Y, I believe, complaining  
23 they could not get organized meetings started  
24 for the organization work of their club.

25 THE COMMISSIONER: 178, is it?

26 MR. WILSON: 178-Y.

27 THE WITNESS: Apparently the place was  
28 raided and lawyers did not think it was  
29 justified, and I quote from the letter:  
30



THE BOARD OF DIRECTORS, INC. IN THE YEAR

OF THE YEAR 1900, THE BOARD OF DIRECTORS

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OF THE YEAR 1900, THE BOARD OF DIRECTORS





1 "The Provincial Police are not even  
2 "permitting the members to organize  
3 "the club or get the club records in  
4 "order to hold any meetings. The  
5 "threats of the police have no place  
6 "in police work, nor is it the  
7 "function of the police to harass  
8 "or embarrass members who are  
9 "present at proper discussional  
10 "and business meetings of such a  
11 "club."

12 It might now be added that early in 1958,  
13 Bertie Townships came under the jurisdiction of  
14 Chief Constable Johnston and both forces  
15 continued, in that year, their activities,  
16 resulting in a number of warrants being issued,  
17 and when the one of July 2nd was issued, the  
18 club closed down on the 2nd of July, 1958,  
19 and I understand it has not since re-opened.

20 The Fire Marshal had a report on that  
21 one, also. This club went out and stayed out.  
22 To all intents and purposes, July 2nd, 1958,  
23 is the date of its demise. That is four  
24 years and several months ago.

25 Quite recently an order cancelling the  
26 Ontario charter of the Frontier Veterans  
27 Association was issued by the Provincial  
28 Secretary. This was carried through by a  
29 formal order which appears in this matter, of  
30

[illegible]





1 April 17th, 1962. The formal order cancelling,  
2 is dated April 10th, 1962, dissolving it for  
3 cause and declaring it to be dissolved as of  
4 May 1st, 1962. To all intents and purposes,  
5 as of July 2nd, 1958, the second of the three  
6 major clubs disappeared.

7 Now I turn to the Centre ---

8 MR. WILSON: Q. Yes. The third one, the  
9 Centre Road?

10 A. As to the Centre Road Vote,  
11 326 Unit, after July, 1958, the only one of  
12 the three still operating, let us look again  
13 at the record as reported by Sergeant  
14 Anderson in connection with this last fortress-  
15 type club.

16 The report shows that in 1958, between  
17 March 24th and June 4th, in an undercover  
18 investigation, an attempt by Constable  
19 Napolitano ---

20 THE COMMISSIONER: Q. Napolitano?

21 A. Napolitano, excuse me, sir. Your  
22 Italian is better than mine. An attempt by  
23 Constable Napolitano was made to gain entry,  
24 but with nil results.

25 From June 12th to the 19th, 1958,  
26 attempts were made by another Provincial  
27 Constable, Vertolli, to make contact to gain  
28 entry. Results, nil.

29 Earlier, April 16th to the 23rd, 1958,  
30







1 observations were made by the Port Credit  
2 detachment, and also from the 23rd to the 30th  
3 of April, with the results the same.

4 These observations were discontinued as  
5 of June the 12th, by No. 5 D.H.Q. and the  
6 Anti-Gambling Branch started observations.  
7 That is the district release. As a matter  
8 of fact, one of the reasons they released  
9 was that they thought they were tying up too  
10 many men when they needed them for other  
11 work, and the Anti-Gambling Squad started  
12 observations.

13 Then from June 12th to July 19th there  
14 were twenty-five days of observations and  
15 checking of occupants arriving by automobile  
16 at the club. This was discontinued and  
17 there is a note in the report that the  
18 matter was to be discussed with the  
19 Commissioner.

20 I might observe that Commissioner McNeill  
21 retired as of the 31st of July, 1958, although  
22 he had been sick, really, for some months  
23 previous to that and was not active since  
24 the 1st of May, 1958.

25 Commissioner Clark was appointed on  
26 August the 1st, 1958. I believe he had  
27 been Acting Commissioner since the 1st of  
28 May, 1958.

29 Then we get into 1959 on this record,  
30



...the first of the year...

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1 and we see that between March 24th and April 30th  
2 there were thirty-six days of observations of  
3 the Club premises, and car occupants, on  
4 what is stated to be the verbal instructions  
5 of the Commissioner.

6 It is also noted that during the summer  
7 and fall three raids were carried out. Then  
8 in 1960 six warrants were executed, the last  
9 of which was on May the 4th, 1960.

10 Already filed with the Commissioner is  
11 a letter dated September 22nd, 1959, from  
12 Miss Hunter, solicitor in the Provincial  
13 Secretary's Office, to Chief Garnet McGill  
14 of Toronto Township Police, which I believe  
15 is Exhibit 38.

16 MR. WILSON: Yes, that is correct.

17 THE WITNESS: And that is followed,  
18 apparently -- perhaps I should say that that  
19 letter is to Garnett McGill, Chief of Police  
20 of the Township of Toronto, and I think it  
21 was an enquiry by him complied to by Miss  
22 Hunter, Solicitor in the Provincial Secretary's  
23 office, as to some possible ways of cancelling  
24 the provincial charter and giving him some  
25 advice along those lines. Apparently at this  
26 time there was also some correspondence  
27 between Commissioner Clark and Mr. Common and  
28 Mr. Bowman, in September and October, 1959,  
29 concerning the Centre Road Club charter. The  
30







1 Commissioner of the Ontario Provincial Police  
2 indicated that the operations were violating a  
3 clause in the charter which prohibited the  
4 premises to be equipped, guarded or otherwise  
5 constructed or operated to prevent lawful  
6 access to, or inspection of, the premises  
7 by police and fire officers.

8 There has already been filed as an  
9 exhibit, a letter dated the 28th of October,  
10 1959, addressed to Mr. R.J. Cudney, Deputy  
11 Provincial Secretary, from Chief Garnet  
12 McGill, re the Centre Road Vets Club. That  
13 is Exhibit 24, I think.

14 MR. WILSON: Q. That is correct.

15 A. A copy of which was received  
16 at the office of the Attorney General on  
17 November 2nd, 1959. A copy had been  
18 sent also to the Honourable Leslie Frost,  
19 then Prime Minister of Ontario, who had  
20 his executive officer communicate with the  
21 Department of the Attorney General on the  
22 6th of November, 1959, referring to the  
23 same.

24 Inter-departmental discussions took  
25 place between the offices of the Provincial  
26 Secretary's Department and that of the  
27 Attorney General's Department.

28 A hearing was undertaken by the Deputy  
29 Provincial Secretary, and under date of  
30 April 13th, 1960, he wrote to Mr. Comson,





五、六十年代，在“大跃进”和“文革”期间，许多珍贵的历史档案被毁。七十年代，在“批斗”和“抄家”中，许多珍贵的历史档案被毁。

1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 2684-2685, 2686-2687, 26



1 the Deputy Attorney General, giving him con-  
2 siderable information concerning the hearing  
3 and ending up by saying that he strongly  
4 recommended that the letters patent be  
5 cancelled.

6 That is Exhibit 51, already filed.

7 Q. That is correct.

8 A. Or a copy of it. This is the  
9 original letter in my hand.

10 On the 27th of April, 1960, Mr. Common  
11 prepared an extensive memorandum on the  
12 subject to the Attorney General and came to  
13 the same conclusions. Mr. Common recommended  
14 that I should advise the Honourable the  
15 Provincial Secretary to take the appropriate  
16 action for cancellation of the charter for  
17 breaches of conditions 1, 2 and 3, as set  
18 out in the memorandum. The charter was  
19 cancelled early in June, 1960.

20 It will be recalled also that in this  
21 period a police investigation was proceeding  
22 in relation to Constable Wright with  
23 Constable Scott as undercover officer.

24 Then early in March of that year the  
25 Deputy Attorney General and the Commissioner  
26 of Police spoke to me and informed me of  
27 the situation. Early in March of 1960.  
28 I believe that when I was first informed  
29 of it, some \$400 had already been received  
30







1 by Constable Scott.

2 On the 26th of April, 1960, my desk diary  
3 shows that at 4.00 p.m. I had an interview  
4 with Mr. Common and the Commissioner, and at  
5 that time this matter was further discussed  
6 and I was brought up to date again on the  
7 situation.

8 Again on the 11th of May, at 11.00 a.m.,  
9 Mr. Common and the Commissioner discussed  
10 the matter further with me. It was at this  
11 interview that the question of Wright's  
12 arrest was discussed at some length.

13 I might say that I was personally  
14 concerned by this time about the position,  
15 because it did seem apparent to all of us  
16 that a series of crimes was being committed  
17 by Wright, with perhaps other involvements,  
18 and the ramifications of a person acting in  
19 this way, still being on the police force and  
20 recognized by the public as a police officer,  
21 doing police duties, was something that  
22 naturally gave me very considerable concern  
23 at this time, as I think it did the others.

24 In any event, we all agreed that Wright  
25 should be arrested and the Commissioner  
26 suggested that he be allowed to determine  
27 the date, but that it should happen before  
28 the end of May, and this was agreed to by all.  
29 This was on the 11th of May.  
30



... ..





1 I heard no more about the situation until  
2 I returned from the west, as I had gone to  
3 Western Canada and the Western United States  
4 for several days.

5 It may be of interest, Mr. Commissioner,  
6 but I attended a dinner with no less a  
7 celebrity than Perry Mason on that occasion,  
8 in Portland, Oregon.

9 I returned to Toronto on the late evening  
10 of the 26th, and proceeding to Ottawa via  
11 Cornwall, I think, there being a magistrates'  
12 annual meeting at Cornwall, and a Crown Attorneys'  
13 annual meeting at Ottawa going on at the  
14 same time.

15 It was when I first met Mr. Conson in  
16 Ottawa, at a meal, I believe, and I think it  
17 was perhaps breakfast, that he brought me  
18 up to the minute and also informed me of  
19 the hearsay evidence recorded in the diary  
20 of Scott, concerning Mr. Conson. Nevertheless,  
21 we both were aware that Wright was about to  
22 be arrested. In fact, the date of arrest  
23 was that very day, the 28th, in Belleville,  
24 and he was to be taken to Toronto for the  
25 following Monday's arraignment.

26 With the arrest of Wright, I would  
27 anticipate that the activities of Feeley  
28 and Mulhennott, in relation to the Centre Road  
29 or any other gambling premises, would be  
30







1 considerably curtailed, in effect.

2 Then on the 30th of May, 1960, the  
3 cancellation of this charter was decided upon  
4 and recommended, so far as I was concerned,  
5 at the level of the Minister, and with the  
6 concurrence of the Provincial Secretary, who  
7 was then Mr. Yaremko.

8 I might make reference to Mr. Common's  
9 letter of that date to Mr. Guiney, already  
10 an exhibit and filed as 53, giving the  
11 opinion that there had been sufficient  
12 contravention to authorize cancellation.  
13 He recommended cancellation. I think it  
14 is apparent, sir, there were two things  
15 running at that time. One was this  
16 investigation and this report under the  
17 Provincial Secretary's jurisdiction, and  
18 the undercover police investigation of  
19 Scott on Wright, in the same period of time.

20 Wright was arrested on the 28th of  
21 May and the recommendation of cancellation  
22 was the 30th of May, 1960.

23 I should point out, however, in further  
24 explanation, perhaps, that there had been a  
25 change in the office of the Provincial  
26 Secretary around this time. Dr. Phillips  
27 had occupied this office from December 22nd,  
28 1958, to May 12th, 1960, and Mr. Yaremko  
29 took over as of May 26th, 1960, and was the  
30



*[Faint handwritten notes at the bottom of the page]*





1 new Provincial Secretary at the time the decision  
2 was made.

3 On June the 3rd, 1960, Inspector Graham,  
4 so I am informed, left a considerable amount  
5 of material in the Regina v. Wright, et al,  
6 case, including various police reports, with  
7 Henry Bull, Q.C., Assistant Crown Attorney  
8 for the County of York, and they were in the  
9 possession of the York County Crown Attorney's  
10 Office for several months.

11 Thus, Mr. Commissioner, disappeared one  
12 by one these clubs which, as far back as  
13 early 1956, I recognized as flaunting  
14 established authority. It was no easy job  
15 on the part of any involved in the work of  
16 enforcement to bring this very desirable end  
17 result. I am pleased to say that it was  
18 accomplished in toto during part of the  
19 period that I occupied the office of Attorney  
20 General.

21 As I say, some of these clubs had been  
22 carrying on under various charters for many  
23 years. I have had a recent search made to  
24 give me a further history on the Centre Road  
25 Club, and I believe that it first operated  
26 in East York on Bator Avenue and was known  
27 as Garety's Place, so far back that the date  
28 is unknown and not ascertainable at the  
29 moment.  
30



now the original manuscript as the plan for the

the same.

in the same way, I have been working

on the same, but I have not been able to

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1 In 1935 it operated in Cookeville in a  
2 place known as Moody's for a short period only,  
3 and then returned to Beter Avenue. From Beter  
4 Avenue the club moved to a building located  
5 near the Thorncliffe racetrack and operated  
6 there until 1942.

7 In 1942, I am informed, the club  
8 returned to Cookeville, which was the year  
9 the O.F.F. Anti-Gambling Squad was formed.  
10 It had<sup>been</sup> going for a long, long time before I  
11 took office. I sincerely hope it will not  
12 be going again for a long, long time after I  
13 leave office.

14 Mr. Commissioner, I say to you that I  
15 have never, for one moment in the whole  
16 period that I have served as Attorney General,  
17 ever had the slightest doubt of the integrity  
18 and honesty of the senior members of my  
19 legal staff who have been around me during  
20 that period, and certainly I have none at  
21 this moment. And if you will permit me,  
22 I will pause to say if any one in this room  
23 gainsays that statement ---

24 THE COMMISSIONER: After all, that is  
25 hardly the way to approach it.

26 THE WITNESS: Mr. Commissioner, I think  
27 at this time I can observe that what I have  
28 already said deals with any part that I  
29 might have had to play in connection with the  
30





to go to the office to see me.

I was known as "Buddy" for a long time.

and was known to many people.

When the club moved to a building in New York

and the building was destroyed by fire.

and was destroyed.

In 1941, I was informed that the

building was destroyed by fire.

and was destroyed by fire.

It was known for a long time that I

was known to many people.

and was known to many people.

and was known to many people.

Mr. Commissioner, I am not sure I

know where, but one moment in the whole

period that I have known as "Buddy" (phonetic).

and was known to many people.

and was known to many people.

and was known to many people.

and was known to many people.

and was known to many people.

I will have to say to you in this case

perhaps that statement.

and was known to many people.

perhaps the way to answer it.

and was known to many people.

and was known to many people.

and was known to many people.

and was known to many people.

investigation by Constable Scott. This part, of course, was confined to the report made to me from time to time, which I have outlined above, by Commissioner Clark and the Deputy Attorney General. This refers to the charge by the Leader of the Opposition of what he termed stoppage of an investigation, on page 103 of Hansard for November 29th, 1961. Reading his words again:

" . . . what conclusion is possible

"but that it was stopped on the orders

"of the hon. Attorney-General?"

All I can say is that if he had had any genuine desire to ascertain the facts, they could have been obtained very simply from me or from the Deputy or from the Commissioner. However, sir, you have now heard the testimony of the Commissioner, the Deputy Attorney General and myself on this point.

I have already mentioned the position, as it appears to me, in connection with the allegation of suppression of evidence and the flimsy basis, if any basis at all, for such an allegation.

I say also that what I have said, along with the evidence which has been given by others, including the Deputy Provincial Secretary, about the position of granting of three Ontario charters in July, 1957, to







1 these three clubs which were termed very clearly  
2 at the time "suspect" is clear and unequivocal.

3 Now, sir, I would like to refer to the  
4 annual reports of the Commissioner of  
5 Provincial Police. I have previously  
6 referred to those of 1955 and 1956, and if  
7 we look at the report for the year 1957,  
8 Exhibit 36-P, on page 32, reference will  
9 be found as to the raid of November 13th,  
10 1957, on the Army, Navy and Air Force  
11 Veterans Club, 327, situated in the Township  
12 of Sandwich South, and a subsequent charge  
13 and court hearing, with the convictions  
14 registered, and the comment of the Magistrate  
15 in connection therewith, as follows:

16 "An operation so brazen in its  
17 "impudent contempt of the law as  
18 "to require penalty commensurately  
19 "corrective."

20 The Commissioner goes on to say that the  
21 club has remained closed since the final raid  
22 by members of the Ontario Provincial Police  
23 on November 13th, 1957.

24 And in the 1956 annual report, pages  
25 31 and 32, there appears the following, and  
26 this is Exhibit 36-Q.

27 "During the year, some of the  
28 "more prominent gaming houses in the  
29 "province, classed as clubs, have  
30





1 "been forced to close their doors.

2 "(1) The Vets Club in the Township

3 "of Sandwich South -- a raid,

4 "conducted by the Essex Detachment,

5 "resulted in the conviction of two

6 "gaming house keepers. These

7 "premises, long a source of trouble,

8 "were eventually closed.

9 "(2) An intensive investigation

10 "was conducted in the City of

11 "Hamilton, by a member of this

12 "branch, during the latter part

13 "of 1957. This resulted in

14 "gaming house charges being

15 "preferred. These were disposed

16 "of during 1958. One was a

17 "chartered club and two unchartered.

18 "For many years all premises were

19 "a source of trouble in the

20 "Hamilton City Police Department

21 "and two of them to this

22 "Department. In all, eight

23 "persons were convicted of keeping

24 "a common gaming house and jail

25 "sentences of seventeen months

26 "imposed; 25 found-ins were

27 "fined a total of \$3,820.00

28 "and three billiard tables con-

29 "fiscated. One conviction,





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1 "involving the chartered club, was  
2 "comparable, in size of operation, to  
3 "any of the larger gaming houses in  
4 "the province. All three premises  
5 "are out of operation and the  
6 "charter cancelled.

7 "(3) The Stone's Health Club, a  
8 "chartered organization, now  
9 "situated within the City of  
10 "Oshawa, but for many years under  
11 "Provincial Police Jurisdiction,  
12 "was also brought before the  
13 "courts and a conviction  
14 "registered. Three keepers  
15 "were fined a total of \$900,  
16 "16 found-ins -- \$160 and \$1,153.50  
17 "was forfeited. The cancellation  
18 "of the charter is pending and the  
19 "premises closed.

20  
21  
22 (Page 11985 follows)  
23  
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1 "4. In the City of Niagara Falls  
2 "the Ramsay Club, holding a Federal  
3 "charter, was raided during the  
4 "month of August. Numerous complaints  
5 "had been received regarding alleged  
6 "illegal activities being carried on  
7 "in these premises. This case is  
8 "still pending but should be disposed  
9 "of early in the new year. This  
10 "club continued to operate for only  
11 "a few weeks following the raid.

12 " In all, 8 clubs were brought  
13 "before the Courts during 1958, 4  
14 "were chartered and 4 had no charter.  
15 "2 charters were cancelled,  
16 "cancellation of the third is pending  
17 "and the fourth has not, as yet,  
18 "been dealt with."

19 Now that is the end of the quote taken  
20 from the report - rather, the report of the  
21 Commissioner, Exhibit 36-H, I think, at page  
22 27 contains the following:

23 " The Ramsay Club, City of  
24 "Niagara Falls, mentioned in the  
25 "annual report for 1958, was dealt  
26 "with during the year. The  
27 "club in question was raided during  
28 "the month of August, 1958, but the  
29 "case was not disposed of until May,  
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1 "1959. The charges against the  
2 "keepers were dismissed, and against  
3 "the 50 found-ins withdrawn.  
4 "Following the dismissal of the  
5 "charge by the presiding magistrate,  
6 "the operators of the club moved  
7 "to new premises in the City of  
8 "Niagara Falls, spending many thousands  
9 "of dollars renovating the building."

10 The report of the Commissioner for the  
11 year 1960, at page 29, contains the following,  
12 and I quote, and this is 30-H-I or J, and  
13 I quote at page 29:

14 " Two prominent chartered clubs,  
15 "mentioned in previous reports, are  
16 "now closed. The Centre Road  
17 "Veterans Association, Toronto Township  
18 "had its Provincial charter revoked  
19 "and charges are pending against the  
20 "principals. Through co-operative  
21 "police action, the Ramsey Club,  
22 "Niagara Falls, holding a Federal  
23 "charter, has ceased all operations."

24 I might add that the Commissioner of  
25 the Ontario Provincial Police appeared before  
26 the Legal Bills Committee at the Ontario  
27 Legislature during the Session in 1960 and 1961 .

28 No member of the Opposition addressed  
29 any question to the Commissioner at that time  
30







1 in relation to the question of gambling and  
2 gaming about which the Leader of the Opposition,  
3 last November, exhibited such tremendous knowledge  
4 and concern, and made such indiscriminate  
5 accusations.

6 I would now like to direct attention  
7 to page 108 of the Hansard report of the  
8 Wintermeyer speech of the 29th of November,  
9 1961.

10 THE COMMISSIONER: Page number?

11 A. Page 108, sir. The following  
12 is recorded:

13 "It has been widely reported,  
14 "Mr. Speaker, that Magistrate Fred  
15 "Thompson was threatened some few  
16 "years ago on the day before he was  
17 "to hear a case against a well-  
18 "known gambler. Magistrate Thompson  
19 "reported this to the Honourable  
20 "Attorney-General. It would be  
21 "interesting to know what the  
22 "Honourable Attorney-General did about  
23 "it."

24 Magistrate Thompson x has appeared  
25 before the Commission and testified showing the  
26 hearsay value of the above quotation from  
27 Wintermeyer's speech. Three parts particularly  
28 in the above in this connection are worthy  
29 of emphasizing:  
30



The first of these is the fact that the  
 government has been unable to raise the  
 necessary funds to meet its obligations.  
 This is due to a number of factors,  
 including the fact that the government  
 has been unable to raise the necessary  
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 government has been unable to raise the  
 necessary funds to meet its obligations.





1                   one, "threatened"; two, "well-known  
2 gambler"; three, "before he was to hear a case".

3                   The evidence of Thompson showed some  
4 of these elements.           However, he did come up  
5 to see the Deputy Attorney-General several days  
6 before May 4th, 1959.

7                   At the time he made that visit, he had  
8 heard all the evidence in a gambling case  
9 in New Toronto concerning operations of the  
10 Finnish Club and had reserved his decision,  
11 and I believe the name of the person who was  
12 convicted is not mentioned - but I believe  
13 Kenneth Currier, and he had reserved his decision,  
14 at least that is what he told us.

15                   Mr. Common asked to bring him into my  
16 office and they came in and Thompson in effect  
17 said that after the evidence was in and he  
18 received a telephone call from a person whom  
19 he said was - and I think your lordship knows  
20 the name, and I don't know whether you want  
21 me to mention the name here.

22                   THE COMMISSIONER: It has been mentioned  
23 so often, mentioning it again isn't going to  
24 do any harm.

25                   THE WITNESS: Well, he said James Maloney.  
26 He said Maloney told him the case was an  
27 important one for his brother to win. He also  
28 said Maloney spoke about promotion for the  
29 magistrate.           Magistrate Thompson, a former  
30







1 newspaper court reporter, was appointed a deputy  
2 magistrate in the autumn of 1935. He was not  
3 a lawyer. He had quite a number of persons  
4 supporting his application. A number of non-  
5 legal men, who had been for many years associated  
6 with the work of the Magistrates Court were at  
7 or about this same time raised to the rank  
8 of Deputy Magistrate, and all, including  
9 Thompson, were in the Metropolitan Toronto area  
10 and under the direction of Senior Magistrate  
11 Thomas Elmore, Q.C.

12 I felt there should be a distinction  
13 between the lawyer-magistrate and the non-  
14 lawyer, and after discussing this with my  
15 advisors, it was decided that non-lawyers  
16 would remain in the Deputy Magistrate group  
17 after the two years of probation, so to speak,  
18 as during the first two years of office both  
19 Deputy and other Magistrates hold office at  
20 pleasure, but after two years the security  
21 of tenure, desirable in judicial appointments,  
22 prevails by statute.

23 In the case of Thompson there would be  
24 no question of promotion in the sense of a  
25 move from Deputy to Magistrate. The policy  
26 in that respect has been made known. Deputy  
27 Magistrate Thompson knew because it has been  
28 made clear to him by me in his own case. I  
29 am quite sure that Mr. Maloney was aware of it  
30







1 also.

2 I told Thompson, in fact both the  
3 Deputy and I told him, to go and do his duty  
4 and bring in whatever verdict he conscientiously  
5 and honestly deemed correct without fear or  
6 favour.

7 This I am sure he did on May 4th, 1959.  
8 It was obvious at that point that a phone call  
9 by itself would require more evidence if any  
10 action were contemplated at the instance of  
11 the Magistrate.

12 And I would note that even, sir, then  
13 that he was not 100 per cent positive, although  
14 the facts he gave led him to believe, I think,  
15 undoubtedly, that it was the person stated.

16 I tried to get in touch with Mr. Mahan  
17 Maloney shortly after the Magistrate's visit,  
18 but did not succeed.

19 It will be recalled that a Provincial  
20 general election was beginning about that time,  
21 and as a matter of fact the Writ of Election  
22 was issued on May 4th, 1959 and the election  
23 day was June 11th, 1959.

24 It was obviously a busy period as for  
25 candidates all over Ontario. I heard no more  
26 from Thompson.

27 An opportunity did arise later to speak  
28 to Mr. James Maloney. It was a telephone  
29 conversation and he, Maloney, denied ever having  
30



1900.

I have been thinking of you very much lately.

My dear friend, I am sure that you are well.

and hope to hear from you soon.

With kindest regards to all,

Yours,

John I. Smith

100 North Main Street, New York City

Received of the Treasurer of the Board of Directors

the sum of \$100.00

for the year 1900.

Very truly yours,

John I. Smith

100 North Main Street, New York City

and Secretary of the Board of Directors

I have the honor to acknowledge the receipt of

the sum of \$100.00

for the year 1900.

It will be remembered that a check for

\$100.00 was sent to you on the 1st of January.

and for a further \$100.00 on the 1st of February.

and for a further \$100.00 on the 1st of March.

and for a further \$100.00 on the 1st of April.

It was originally a check for \$100.00

and for a further \$100.00 on the 1st of May.

Very truly yours,

John I. Smith

100 North Main Street, New York City

and Secretary of the Board of Directors





1 spoken to Thompson on the telephone or otherwise  
2 about the Finnish Club case.

3 He, Maloney, later issued a public  
4 statement a few months before his death, in  
5 which he repeated this.

6 I have a signed copy of this statement,  
7 a photostatic of which has been entered as an  
8 exhibit - Exhibit 147, filed, when Magistrate  
9 Thompson was giving his evidence in the box.  
10 This signed copy was delivered to me by the  
11 present Minister of Mines.

12 I refer to Exhibit 147 ---

13 THE COMMISSIONER: What page?

14 THE WITNESS: The 14th of May, which  
15 was the evidence of Thompson.

16 MR. WILSON: Is it dated --

17 A. No, it has no date, but there was  
18 a newspaper publication of it, and I could get  
19 the date of publication if it is of any  
20 assistance.

21 THE COMMISSIONER: It appeared about that  
22 time?

23 A. No, I didn't get this until I  
24 got it from the present Minister of Mines,  
25 after the death of Mr. Maloney.

26 Q. I thought you said that you got  
27 it from Mr. Maloney?

28 A. No, a signed copy was delivered  
29 to me by the present ---  
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Q. On.

A. --- Minister of Mines.

Q. Mr. Maloney, the the city editor of the Globe and Mail, dated June, 1961. Well, that would be pretty close to the date of date of the complaint - what is the date of the complaint?

A. Some time before that.

Q. By Magistrate Thompson?

A. Some time before that, May, 1959, or the end of April, several days before May 4th, 1959 when he came to see me.

Q. What was the date that you first spoke to Maloney about it?

A. Well, sir, I tried to get that date in my mind, but I couldn't be too sure when it was. I know it was some time after the election, but as I say, the intervening election ---

Q. The election was when?

A. The election was the 11th of June, 1959.

Q. How long after the election?

A. Well, it was some little while after the election. I would say as a matter of fact, the approach of Thompson at the time, and the uncertainty of it - the fact that he did his job, and that he didn't leave this thing with me - I wasn't too seriously concerned.





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1 Q. Why weren't you seriously con-  
2 cerned?

3 A. For this reason I wasn't too  
4 seriously concerned, the suggestion was made  
5 as to the promotion of Magistrate Thompson,  
6 and Thompson knew perfectly well ---

7 Q. No, no, that is not the point.  
8 I think the serious part of that, Mr. Roberts,  
9 is this. He was a magistrate complaining  
10 of someone - that someone had attempted to  
11 interfere, and I would like to hear something  
12 from you on this. What, if anything, did you  
13 do, apart from telling Thompson to go back  
14 and do his duty? What, if anything, did  
15 you do ---

16 A. Well, put it this way. We told  
17 him to go back and do his duty as we took the  
18 view right at the time that any magistrate,  
19 certainly, or judge, faced with any situation  
20 of that sort would be the person to deal with  
21 it, and the only person probably who could  
22 get firsthand information about it, where  
23 it occurred in the way that it occurred here,  
24 and it was certainly not impressed on my  
25 mind that there was any certainty of the  
26 magistrate if he accused Mr. Maloney, he  
27 wasn't certain whether it was, for certain,  
28 Maloney's voice that he heard.

29 Now he left that vagueness about it at  
30







1 the time, and he didn't know 100 per cent  
2 that it was Mr. Maloney's voice, and since the  
3 case had already been - the evidence had  
4 already been in and the magistrate had to  
5 make his decision, it seemed to me that the  
6 thing for him to do was to go in and make  
7 his decision. It seemed to me that if there  
8 was anything further that he should do, it  
9 should corroborate or get evidence as to  
10 the person who made the call, and that he was  
11 the one to deal with it.

12 Q. I don't quite follow that.

13 A. Well, let me put it this way,  
14 sir. I wouldn't imagine that anyone holding  
15 a judicial position would tolerate somebody  
16 trying to influence him in his duty, if he  
17 himself, the person on the bench, was not taking  
18 whatever steps were necessary to bring the  
19 person to justice. I would maybe expect  
20 it of somebody who knew nothing about it, but  
21 he could have taken the matter - he could  
22 have explained or laid a complaint or sworn  
23 out an Information if he thought he had  
24 enough evidence. If anybody <sup>else</sup> had come up to  
25 me, I suppose, because he had doubt and he  
26 wanted this promotion, and he was talking  
27 about a Minister of the Cabinet, and he didn't  
28 impress me very much, sir.

29 Q. All right.  
30







1           A.       Then at page 108 also of the  
2 Wintermeyer speech, reference is made to  
3 another report, ---

4           Q.       But what steps?

5           A.       Well, Mr. Maloney did say that  
6 to me, that he never made such a statement.

7           Q.       The point I was interested in,  
8 Mr. Roberts, is this; when did you interview  
9 Maloney?

10          A.       Well, I would say, sir, that I  
11 tried to get him shortly afterwards, but I  
12 didn't succeed and the election intervened,  
13 and it would be some considerable time before  
14 I saw him.

15          Q.       What do you mean "considerable  
16 time"?

17          A.       Well, perhaps within a period  
18 of three or four months I met him the first  
19 time - I met him, I recall it, and I spoke to  
20 him on the telephone actually and he gave me  
21 this information over the telephone that he  
22 did not - that he had not said anything to this  
23 man.       I accepted that, and if you want me  
24 to - I don't want to go into it much here,  
25 unless you want me to, as obviously it is  
26 not the sort of business that a fellow colleague -  
27 if he said he didn't do it, for me to bring  
28 him to cross-examination in a matter of that  
29 sort, and I didn't feel that there was anything  
30





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1 further that I would be expected to do under  
2 these circumstances, particularly if the  
3 magistrate had registered his conviction and  
4 done the job he should have done, and certainly  
5 no one influenced him in any way in the type  
6 of consideration that it was suggested. It  
7 was a promotion - which I certainly couldn't  
8 in any way see that it had any - it could have  
9 had any influence over the court of justice.

10 Q. The promotion?

11 A. The promotion.

12 Q. I don't see that the matter of  
13 promotion has anything to do with it, Mr. Roberts.  
14 Let us assume that under the policy of the  
15 Department, he being a lawyer, was not entitled  
16 to be promoted to permanent staff as a  
17 magistrate; let us assume all that.

18 The magistrate reported to you that  
19 this man had attempted to influence him and  
20 to interfere with him, and you felt that you  
21 were not impressed with the degree of certainty  
22 that the magistrate had as to the identity  
23 of the man who telephoned him?

24 A. Yes.

25 Q. But you didn't dismiss the  
26 matter because the question of promotion had  
27 anything to do with it, did you?

28 A. Well, let us put it this way.  
29 This wouldn't have been the first occasion at  
30







1 some stage where somebody had suspicions of  
2 somebody trying to influence the person, and  
3 in some of the cases of that nature subsequently  
4 charges were laid, but when this was first  
5 presented to the Crown or the police officer  
6 the persons concerned were told to go and take  
7 certain steps to get evidence. Now surely  
8 nobody would expect the Attorney-General to  
9 be going looking for evidence of that nature.  
10 When this was presented to me, in my view  
11 on the uncorroborated, and certainly not when  
12 the person that is telling this statement  
13 that the telephone call had come to him from  
14 Mr. Maloney - he wasn't sure - on that alone  
15 I would not be prepared to go very far in  
16 trying to solve that problem myself.

17 I would say, very much so, if the  
18 magistrate was convinced that that was the  
19 case and he perhaps alone had the power to  
20 have developed it and to have got evidence  
21 that he needed to make the charge, and he  
22 would be justified, and I would say that to any  
23 person occupying a judicial position.

24 Q. I look at it a little differently,  
25 I think. Here is one of your appointees whom  
26 some outside individual had been trying to  
27 influence, and do you not perhaps think that  
28 you owed some duty to your appointment to  
29 pursue the matter a little further right then  
30







1 and there?

2 A. I did not, not on the way it  
3 was presented to me, and I don't fancy that  
4 a magistrate with any backbone would act that  
5 way in the first place. They solve their  
6 problems themselves. He in fact did talk to  
7 the senior magistrate - he talked to the senior  
8 magistrate and I think then he was told to  
9 follow a certain procedure, he being directly  
10 under Magistrate Elmore.

11 Q. All right.

12 MR. WILSON: Now I think there is another  
13 reference at page 108 to Magistrate Addison.  
14 Would you deal with that?

15 A. Yes, at page 108 also of the  
16 Wintermeyer speech, reference is made to another  
17 report - this time concerning Magistrate  
18 Addison. I quote again:

19 "It would be interesting, Mr. Speaker,  
20 "to know what steps, if any, the  
21 "Honourable Attorney-General took  
22 "in this matter."

23 Magistrate Addison at no time made any  
24 report to me, verbally or otherwise, concerning  
25 any attempt at bribery.

26 Mr Commissioner, during the spring of  
27 1961, I spent a considerable amount of time  
28 preparing three addresses concerning police  
29 work and crime.  
30





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1 In these three addresses, I covered  
2 the situation very fully, as I believe. I  
3 would like to produce them now and have them  
4 marked for identification.

5 THE COMMISSIONER: Just a moment now.  
6 Just one minute. What is the purpose of this,  
7 Mr. Roberts? I understand that you made  
8 three addresses to ---

9 A. The police organization and  
10 organization in crime, which is an answer to  
11 the distortion, in my opinion, of the view  
12 that I would take in respect to crime, and  
13 particularly what we call "organized" or  
14 "syndicate crime". Those - my statements  
15 have been so misquoted in many respects that  
16 I would like to put the actual statement on  
17 the record for what it is worth.

18 Q. I don't think it is worth anything.

19 A. I won't bother you then.

20 Q. In effect you made a speech?

21 A. I made several speeches.

22 Q. Several speeches in several places,  
23 but I don't think it would help me in my search  
24 for the truth to what the facts are.

25 A. Well, sir, I don't want to go  
26 beyond what is your desire in that connection.

27 Q. Well, I don't think it will help  
28 me a bit.

29 MR. WILSON: Mr. Commissioner, there is  
30



1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It contains a report on the state of the Union and the progress of the war.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862. It contains a report on the state of the Treasury and the progress of the war.

3. The third part is a report from the Secretary of the Interior, dated January 10, 1862. It contains a report on the state of the Interior and the progress of the war.

4. The fourth part is a report from the Secretary of the Navy, dated January 10, 1862. It contains a report on the state of the Navy and the progress of the war.

5. The fifth part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

6. The sixth part is a report from the Secretary of the State, dated January 10, 1862. It contains a report on the state of the State and the progress of the war.

7. The seventh part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

8. The eighth part is a report from the Secretary of the State, dated January 10, 1862. It contains a report on the state of the State and the progress of the war.

9. The ninth part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

10. The tenth part is a report from the Secretary of the State, dated January 10, 1862. It contains a report on the state of the State and the progress of the war.





1 this point, that the speech suggests that  
2 there was a condition of organized crime  
3 which the Attorney-General failed to recognize  
4 and wrongly diagnosed, and I take it that  
5 if he is not allowed to state his opinion -  
6 what his opinion was as to the state of crime,  
7 that my friends will have no opportunity  
8 to cross-examine on that point.

9 THE COMMISSIONER: What is that again?

10 MR. WILSON: I say, if he is not allowed  
11 to state his ---

12 THE COMMISSIONER: He can't state it here.

13 MR. WILSON: Yes.

14 THE COMMISSIONER: He can state what  
15 his attitude was with respect to crime, but  
16 I am not going to get here the contents of  
17 some speeches that he made somewhere else.

18 MR. WILSON: I am not suggesting that  
19 he give evidence to that - but he can give  
20 evidence as to what his position was and he  
21 can give ---

22 THE COMMISSIONER: He is entitled to  
23 tell what his position was all along, and what  
24 it has been, but I don't get that from copies  
25 of speeches that he has made some place.

26 MR. WILSON: Well, I think he is simply  
27 using that as corroboration of his position,  
28 and he will develop what his reasoning was ---

29 THE COMMISSIONER: He has told us today  
30

[illegible]





1 what it is, and if he has anything else  
2 from the witness it is perfectly in order,  
3 but it seems to me a rather strange way of  
4 getting at it, for the witness today, "I made  
5 a speech four years ago on something and I  
6 would like to read it here now."

7 MR. BREWIN: We would be here a long  
8 time.

9 THE COMMISSIONER: Never mind, I am  
10 speaking to this witness now, Mr. Brewin.  
11 I made a ruling, and you don't need to add  
12 anything to it, or make a speech of your own.

13 MR. BREWIN: I thought that Mr. Wilson  
14 had accepted this.

15 THE COMMISSIONER: He hasn't convinced  
16 me that I should.

17 THE WITNESS: The point I am making  
18 is simply this, that on the basis of the  
19 information which I obtained from people who  
20 I felt had the best source of information,  
21 I made certain statements with regard to the  
22 whole problem in this province as I saw it,  
23 and these statements were made after the  
24 arrest of the people and after any of the  
25 offences that have been referred to here, or  
26 some considerable period of time, at present,  
27 not in the period of years gone by, and which  
28 may have existed then, that the movements  
29 that I instituted here would end in convictions  
30





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 of factors, including the fact that the  
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 necessary funds to meet its obligations.



1 and cancellations, and bring the era to an  
2 end, I hoped. At the time that those things  
3 happened was some little while back. Now I  
4 was talking at any time subsequent to that  
5 in terms and in present in the year 1951 or  
6 the year 1952 as I see the situation as it  
7 is at this time, and I am informed by the type  
8 of people who I think should know what the  
9 situation is now, and it was in that line  
10 that I was going to make some excerpts from  
11 that address, but ---

12 THE COMMISSIONER: No, I don't think so.

13 THE WITNESS: I don't think it is  
14 necessary but I did say that it had always  
15 been in our dealings with crime that the  
16 enforcement officers were aware that they should  
17 hit hard continuously for the protection and  
18 the prevention of crime which the people here  
19 have every right to expect and that we will  
20 usually end up successful - with successful  
21 charges and disposition of those charges by  
22 our courts of law which is the proper way for  
23 that sort of thing to happen.

24 MR. WILSON: Q. Now where did you, as  
25 the Attorney-General, get the information as  
26 to the state of crime in this province from  
27 time to time?

28 A. Yes, well, I would refer again  
29 here, with his lordship's permission, to three  
30

[illegible]





1 transcripts of evidence which I would be  
2 happy to put in if you wish. In fact, I think  
3 they should go in, as this question is pertinent.

4 Q. Tell the Commissioner what  
5 they are.

6 A. These sources that I went to in  
7 the spring of 1961 ---

8 THE COMMISSIONER: As to what?

9 A. As to the state of crime and  
10 what, if anything, was lacking or should be  
11 done, and how it should be done. Now the  
12 three people I went to - these groups that I  
13 went to were the following, and I will take  
14 them in sequence as they are taken: On May  
15 5th, 1961, of the Magistrates of Ontario,  
16 they met with me, and it was a closed session  
17 and the transcript was taken of the discussion  
18 and it was all aimed at the question of crime.  
19 And then on Saturday, May 13th, 1961, the  
20 Crown Attorneys met with me and had a similar  
21 session, and a transcript was taken, who  
22 opened the discussion was available then,  
23 and they were in fact called and gave their  
24 views, and it was recorded.

25  
26 Thirdly, the Chief Constables Association  
27 of Ontario meeting, at North Bay, on Thursday,  
28 June 1st, 1961, and the same procedure was  
29 followed with them.

30 Q. What led to the sort of concentration



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1 and every effort on your part in May or June  
2 of '61 to inquire into whether ---

3 A. I think perhaps at this particular  
4 time, there had been a good deal of publicity  
5 given to certain phases of this - first the  
6 preliminary hearing of this trial of Feeley,  
7 Wright and McDermott. And there were  
8 feelings, perhaps, that I should get every  
9 possible information to find out what the  
10 situation was, and I think I also at that  
11 time -- there had been some suggestion, and  
12 I know that the Liberal Opposition for one  
13 was raising questions of insufficient crime  
14 control in a general way, and I think I  
15 remember - if I remember rightly, I think  
16 that Mr. - the R.C.M.P. ---

17 MR. WILSON: Mr. Harvison.

18 A. Mr. Harvison - made some speech  
19 and some reference was made about crime, sir,  
20 and I was trying to get on top of the situation  
21 here and get the best possible information  
22 in relation to it.

23 THE COMMISSIONER: That prompts me:  
24 to inquire from you, whether or not you think  
25 there is any merit in this. I suppose it  
26 would be proper to say that the Attorney-  
27 General in the Province, or in any province,  
28 is regarded as a custodian of law and order  
29 within the province.  
30





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library. The number of books received was 100.

The second of the year was also a busy one for the

library. The number of books received was 100.

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The fifteenth of the year was also a busy one for the

library. The number of books received was 100.



1           A.       He is a senior law-enforcement  
2 officer.

3           THE COMMISSIONER: Senior law-enforcement  
4 officer, and if there is an epidemic of crime  
5 in the Province, naturally there is - there  
6 tends to be some adverse reflection on the  
7 Attorney-General. Do you agree with that so far?

8           A.       Yes, in this particular situation,  
9 I would certainly be tempted to agree, there  
10 is no doubt about that.

11          Q.       Well then, what method is used  
12 currently, by which the Attorney-General at  
13 all times is familiar with the state of crime  
14 throughout the Province? As I understand  
15 it, and you recall that I discussed this  
16 matter with you and Mr. Cannon and Mr. Wilson  
17 in the earlier days of this Commission, and  
18 we were learning something about the Attorney-  
19 General's - the arrangement of the Attorney-  
20 General's Department. As I understand it  
21 now, the only reports the Attorney-General gets  
22 are the annual reports of the Inspector of  
23 Legal Offices.

24               Take an illustration. Take Middlesex  
25 County, the Inspector of Legal Offices makes  
26 an annual inspection, then he makes a report  
27 to you that he - at the end of the year?

28           A.       Yes.

29           Q.       And that report is tabled in the  
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1 House, isn't it?

2 A. Yes.

3 Q. And the purpose of that report  
4 essentially is in sort of an accounting, as  
5 it were, magistrates collecting certain fines,  
6 and making remissions and disbursements and  
7 so forth. The main purpose of that report  
8 is sort of an accounting?

9 A. Oh, I think as far as the report  
10 goes, as far as the Inspector of Legal Offices  
11 is concerned, he occupies the room above me,  
12 and he is in my office half a dozen times  
13 a week I would say, and about matters of current --  
14 there is no doubt about it that he brings  
15 me on top of current things, as he has them  
16 he is bringing them to me, and I wouldn't  
17 have any hesitation in saying that he would -  
18 that I would apparently be advised of conditions  
19 throughout the province through the Inspector  
20 of Legal Offices, not by any annual report,  
21 but by almost daily contact with him.

22 Q. Well, how often does he, for  
23 example, go down to Essex County?

24 A. Well, he is around the county  
25 quite a lot.

26 Q. I know, but how often does he  
27 go into any particular county?

28 A. Well, I wouldn't answer that for  
29 him, but I would say that I would - that he would  
30







1 manage to be there at least a few times a  
2 year. He was in Pembroke the other day when  
3 I was trying to get him, and in Kingston  
4 another day when I was trying to get him, and  
5 we have an intercom between his office and  
6 mine, but he moves around a lot, and as a  
7 matter of fact, then again if there is ever  
8 any question or complaints, I sometimes get  
9 the complaint, and they are referred to me.  
10 And sometimes he will go down and <sup>put</sup> ~~look~~ the  
11 situation right, and that goes on regularly.

12  
13 Q. That is in the field of the courts,  
14 and your sources of information as to the ---

15 A. That is criminal.

16 Q. Your sources of information as  
17 to the state of law and order throughout the  
18 Province are, one, the information conveyed  
19 to you by the Inspector of Legal Offices?

20 A. Ha, ha.

21 Q. Two, --

22 A. I ---

23 Q. Just a minute. Two, information  
24 that would come to you ~~was~~ where there are  
25 appeals against convictions.

26 A. The public - the Director of  
27 Public Prosecutions office, yes.

28 Q. Where there are convictions -  
29 there is a conviction down in Essex County of  
30 someone on an indictable charge and the accused







1 appeals, the notice of that appeal is served  
2 on someone in your Department?

3 A. That's right.

4 Q. My understanding is that it  
5 is the first notice the Attorney-General gets  
6 of that particular incident?

7 A. I would think -- I don't think  
8 so. Because the normal course - we have  
9 these Crown Attorneys in all these different  
10 areas who are responsible.

11 Q. If there is no appeal, then you  
12 don't learn anything about it until you get  
13 your annual report from the Inspector of  
14 Legal Offices? And you learn anything by that  
15 time?

16 A. Well, of course there are checks  
17 and counterchecks, sir.

18 Q. There are? That is what I want to  
19 know.

20 A. There is a good deal of checking  
21 and counterchecks because if they - or the  
22 people get started up about an insufficiency,  
23 let us say, of sentence, it gets to me pretty  
24 quickly.

25 I  
26 Q. Well, have an idea I want to  
27 try on you, so to speak. Why shouldn't the  
28 Crown Attorney in each county throughout the  
29 Province make some sort of a regular monthly,  
30 if you like, report, to the Attorney-General



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1 reporting prosecutions, the nature of offence,  
2 and sentence, and so forth, so that you could  
3 report from Essex County and say in the month  
4 of May in any given year, and you could go  
5 to June and look at June and say, "How does  
6 that compare with May?". "Well, there has  
7 been an epidemic broken out of breaking and  
8 entering." They go from one part of the  
9 province to the other prying upon one part,  
10 and then prying upon another part, and  
11 wouldn't that be helpful?

12  
13 A. I don't think that would be  
14 necessary, and this is an offhand comment,  
15 because I - you put it to me this way, sir, and  
16 I haven't given it very much thought, but I  
17 think that we have not - if anything, we are  
18 over-organized, but we have the coordinator  
19 of justice and administration. We have the  
20 new Chief Judge for the county court system  
21 whose job it is - he keeps close contact  
22 with the whole county courts of the province  
23 and their problems. We have the Magistrates  
24 Association, and we have them divided into  
25 districts for districts. We have meetings  
26 regularly with the districts, and we have them  
27 presenting briefs to me regularly on the  
28 condition of the situations as they see it  
29 from time to time.

30 Q. That sort of thing is going on now,



The first of these is the fact that the  
 government has been unable to raise the  
 necessary funds to meet its obligations.  
 This is due to a number of factors,  
 including the fact that the government  
 has been unable to raise the necessary  
 funds to meet its obligations. This is  
 due to a number of factors, including  
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 obligations. This is due to a number of  
 factors, including the fact that the  
 government has been unable to raise the  
 necessary funds to meet its obligations.





1 they present briefs to you?

2 A. The Magistrates Association from  
3 time to time discuss with me as a group --

4 Q. How regular?

5 A. Well, they might sectionally -  
6 Magistrate Bartram has been very active in  
7 this and has done a very, very good job, in  
8 the matter of organizing. And Magistrate  
9 Hennicks, president at the present time,  
10 formed the idea and gave a very long brief  
11 on several subjects. Magistrate Bigelow has  
12 been preparing a manual book and was given  
13 three months leave of absence from the bench  
14 to prepare a book with the assistance of  
15 several others on various phases of the work  
16 of a magistrate and the principle of sentencing.

17 Q. But on the incidence of crime  
18 from time to time -- is that in the given  
19 areas throughout the Province?

20 A. Well, on the incidence of crime  
21 again I don't think that it would be --  
22 If there is any epidemic in any part of the  
23 Province of Ontario, from the wide method of  
24 correspondence and communication that exists,  
25 with the C.P.F.'s, I think - since I have  
26 been there, and put in this teletype business,  
27 we have placed a message and asked for  
28 statistics concerning the state of, for example,  
29 the state of criminal dockets throughout the  
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1 Province as of a given date, and get it  
2 back within hours. I sent out messages to  
3 find out a waiting list or delayed list in  
4 relation to our civil actions in the Province  
5 from every court --

6 Q. I am not thinking of that, I  
7 am confining my attention to the area of crime.  
8 You shouldn't --

9 A. Well, we can communicate ---

10 Q. These reports - they would  
11 act like a mirror to reflect conditions of law  
12 and order throughout all the parts of the  
13 Province at any given time.

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17 (Page 12015 follows)  
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|--|----|
| 1. General Statement of the Department of the Interior | 1  |
| 2. Bureau of Land Management                           | 2  |
| 3. Bureau of Reclamation                               | 3  |
| 4. Bureau of Indian Affairs                            | 4  |
| 5. Bureau of Geographical Names                        | 5  |
| 6. Bureau of Fish and Game                             | 6  |
| 7. Bureau of Mines                                     | 7  |
| 8. Bureau of Botanic and Horticultural                 | 8  |
| 9. Bureau of Zoology                                   | 9  |
| 10. Bureau of Entomology and Plant Quarantine          | 10 |
| 11. Bureau of Plant Industry                           | 11 |
| 12. Bureau of Animal Industry                          | 12 |
| 13. Bureau of Plant Quarantine                         | 13 |
| 14. Bureau of Entomology and Plant Quarantine          | 14 |
| 15. Bureau of Zoology                                  | 15 |
| 16. Bureau of Fish and Game                            | 16 |
| 17. Bureau of Reclamation                              | 17 |
| 18. Bureau of Land Management                          | 18 |
| 19. Bureau of Indian Affairs                           | 19 |
| 20. Bureau of Geographical Names                       | 20 |
| 21. Bureau of Fish and Game                            | 21 |
| 22. Bureau of Mines                                    | 22 |
| 23. Bureau of Botanic and Horticultural                | 23 |
| 24. Bureau of Zoology                                  | 24 |
| 25. Bureau of Entomology and Plant Quarantine          | 25 |
| 26. Bureau of Plant Industry                           | 26 |
| 27. Bureau of Animal Industry                          | 27 |
| 28. Bureau of Plant Quarantine                         | 28 |
| 29. Bureau of Entomology and Plant Quarantine          | 29 |
| 30. Bureau of Zoology                                  | 30 |





SC/AS/1

1 THE WITNESS: So, you are listening to  
2 and hearing evidence, and you may have a very  
3 good recommendation on what should be done.

4 THE COMMISSIONER: All right, have you  
5 had any recommendation?

6 A. I want to think about that, because  
7 I think I could, given a day or two to prepare,  
8 to prepare a pretty fair memorandum of the  
9 sources at the present time; and I would like  
10 an opportunity of doing that.

11 Q. I would be glad to have it done.  
12 Is that all, Mr. Wilson?

13 MR. WILSON: Q. You have given names of  
14 the three sources for informing you, as to the  
15 state of crime, and you have discussed with  
16 the Commissioner certain other sources.

17 Have you in fact received any substantial  
18 reports on the state of crime and the existence  
19 of organized crime in recent years?

20 A. Yes. I would like to make reference  
21 to -- could I have this marked?

22 THE COMMISSIONER: What are they?

23 A. These are the three transcripts of  
24 these three --

25 Q. You told me that you do get reports;  
26 I mean, you do get reports from the Magistrates  
27 and Crown Attorneys; and who else?

28 A. And the Chief Constables; all of  
29 them in session, across the province. And I  
30



Q. Now, you are talking about the

the hearing evidence, and you say have a way

and communication in that regard as well.

Q. Now, you are talking about the

the way communication

A. I want to talk about that, because

I think I could, given a day or two to prepare.

to prepare a fairly full description of the

history of the process that I would like

an opportunity of doing that.

Q. I would be glad to have it done.

Is that all, Mr. Attorney?

Mr. Attorney: Yes, you have given some of

the time to hear me following that, so as to

have of course, and you have discussed with

the committee with me before.

Have you in fact received any information

concerning the state of affairs and the situation

of organized crime in general today?

A. Yes. I would like to make reference

to -- would I have time to do that?

Mr. Attorney: Yes, and thank you.

Q. Then you have three questions of

more time --

Q. You could go back to the first question?

I want you to get beyond just the historical

and general background and get into

Q. And you think communication all of

them in connection with the process. And





1 would say that it was from sources of that sort  
2 and this, that I am going to mention the  
3 statements that I have made in relation to  
4 this problem; it is on that that they are  
5 based. They are the sources on which I  
6 try to come to my conclusions in relation to  
7 the particular subject, in this field of  
8 knowledge, which may have been in effect,  
9 both pro and con.

10 Q. As a matter of fact, it struck  
11 me that perhaps it was not quite fair to ask  
12 the Attorney General at any time what is the  
13 state of crime in any particular part of the  
14 province, by reason of the paucity of  
15 information that he has. He would have to  
16 stop and say, "I will have to get in touch  
17 with some one in that part and find out."

18 A. I would say the fact that as  
19 far as I am concerned, if the state of crime  
20 increased in any one particular section, and  
21 I would not have knowledge -- if I did not  
22 have any particular knowledge of it -- I  
23 mean, when it is massive! I mean, it would  
24 not be massive without that knowledge coming  
25 to me; I am certain of that. I am certain  
26 of the communications that we have, of the  
27 condition, from the people in my staff;  
28 almost 3500 of them scattered across the  
29 province. I would not have any question in  
30







1 my mind of not having advice of any massive  
2 situation. Of course, individual situations  
3 could miss out.

4 Since your lordship has brought up this  
5 question, I would like to have a memorandum  
6 showing the line of communication with our  
7 Department.

8 Q. I would be glad to have it.

9 A. If there is anything else that  
10 could be of help to you, you could have that.

11 Q. You could get it for me?

12 A. Yes. I will see that it is done  
13 as quickly as possible.

14 I would like to ask permission, also,  
15 to mention a letter dated the 23rd of November,  
16 1961, in the form of a memorandum to myself  
17 from the Commissioner for Police of Ontario,  
18 W.H. Clark, headed, "Re Syndicated Organized  
19 Crime in Ontario".

20 Q. And dated?

21 A. The 23rd of November, 1961; in  
22 fact, if Mr. Wilson would refer to this? If  
23 he wants to shorten it up, giving the gist  
24 of it, that is all right; but I would like  
25 it to be noted.

26 MR. WILSON: Q. I also have a copy  
27 of it.

28 A. This is the letter, then, of the  
29 23rd of November, 1961. It is becoming somewhat  
30







1 instant, with the date of notation here.

2 Q. This is dated November 23rd, 1960;  
3 it is 1960, and it is a memorandum to the  
4 Honourable A.K. Roberts, Q.C., Attorney General,  
5 Ontario:

6 "Re Syndicated, Organized Crime, Ontario.

7 "I have the honour to advise that  
8 "Inspector J.H. Hatch, in charge of our  
9 "Anti-Gambling Branch, recently visited  
10 "the following cities in the province  
11 "and discussed with the chief constable,  
12 "or in his absence, a senior police  
13 "official, the question whether or not  
14 "syndicated or organized crime did  
15 "exist within the municipalities:  
16 "Windsor, Chatham, Kitchener, Guelph,  
17 "Hamilton, London.

18 "Comments of the various chief  
19 "constables: Windsor: Chief Constable  
20 "C.W. Farrow: The term organized crime  
21 "has never been defined to my satis-  
22 "faction. In my opinion, there is no  
23 "organized crime in the city.

24 "Chatham . . .

25 THE COMMISSIONER: That is rather a strange  
26 one; since organized crime is not defined, there  
27 is not any here.

28 MR. WILSON: No. He said it has not  
29 been defined "to my satisfaction".  
30



The following table shows the results of the tests conducted on the various specimens of the material under consideration. The specimens were subjected to a series of tests, including tensile, compression, and impact tests, and the results are given in the table below.



1 THE COMMISSIONER: But he said there is  
2 not any, here!

3 MR. WILSON: He says there is no organized  
4 crime in the city; I must concede that there  
5 are different definitions of organized crime.

6 "Chatham -- Chief Constable C.E. Bagnell.

7 "He states there is no organized crime

8 "in Chatham.

9 "Kitchener: Chief Constable

10 "J.E. Patrick: He states that organized

11 "crime was not within his jurisdiction;

12 "there were a few bookies, but with

13 "the assistance of the Anti-Gambling

14 "Branch, they have been kept suppressed.

15 "Guelph: Deputy Chief Gill:

16 "He states that organized crime was

17 "not within the City of Guelph. Only

18 "one or two bookies operating.

19 "London: Chief Constable I.E.

20 "Knight -- states that organized crime,

21 "as stated by R.C.M.P. Commissioner

22 "C.W. Harvison, was not within his

23 "city. Several bookies are alleged

24 "to be operating within the city.

25 "Hamilton -- Inspector Robson,

26 "officer in chief morality, states

27 "no organized crime in the City of

28 "Hamilton at the present time.

29 "Two well known characters are under  
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1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like a breath of new life after being cooped up in a small, cramped space for hours. The sun was shining brightly, and the birds were chirping happily. I took a deep breath and smiled at the world around me.

2. As I walked along the path, I noticed a small stream flowing gently. The water was crystal clear, and I could see the rocks and leaves at the bottom. I stopped for a moment and watched the water flow. It was so peaceful, and I felt a sense of calm wash over me.

3. The path led me through a dense forest. The trees were tall and lush green, and the sunlight filtered through the leaves, creating a dappled pattern on the ground. I heard the sound of water dripping from the leaves, and it was so soothing.

4. I continued walking, and I noticed a small clearing. In the center of the clearing was a large, old tree. Its branches were thick and gnarled, and its leaves were a deep green. I walked up to the tree and looked at its trunk. It was so old, and I felt a sense of awe and wonder.

5. The tree was so big that it seemed to protect the clearing. I stood under its shade and felt a sense of safety and comfort. I took a moment to sit on the ground and look up at the sky. The clouds were white and fluffy, and the sun was shining brightly. I felt a sense of peace and tranquility.

6. I stood up and looked around. The forest was so beautiful, and I felt like I had found a hidden gem. I took a deep breath and smiled. I was so lucky to be here, and I felt a sense of gratitude for everything I saw and felt.

7. I continued walking, and I noticed a small stream flowing gently. The water was crystal clear, and I could see the rocks and leaves at the bottom. I stopped for a moment and watched the water flow. It was so peaceful, and I felt a sense of calm wash over me.

8. The path led me through a dense forest. The trees were tall and lush green, and the sunlight filtered through the leaves, creating a dappled pattern on the ground. I heard the sound of water dripping from the leaves, and it was so soothing.

9. I continued walking, and I noticed a small clearing. In the center of the clearing was a large, old tree. Its branches were thick and gnarled, and its leaves were a deep green. I walked up to the tree and looked at its trunk. It was so old, and I felt a sense of awe and wonder.

10. The tree was so big that it seemed to protect the clearing. I stood under its shade and felt a sense of safety and comfort. I took a moment to sit on the ground and look up at the sky. The clouds were white and fluffy, and the sun was shining brightly. I felt a sense of peace and tranquility.

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1 "strict surveillance to prevent the  
2 "formation of what might become a  
3 "syndicate (Papalia and Marchildon).

4 "Inspector Hatch does express  
5 "his own opinion insofar as the  
6 "Counties of Essex and Kent are  
7 "concerned. He was stationed in  
8 "that area for many years. He  
9 "advises that American interests in  
10 "gambling were withdrawn from the  
11 "area four years ago. There are a  
12 "few bookies operating in the Windsor  
13 "area, but there is nothing to  
14 "substantiate any thought that they  
15 "are part of a syndicate.

16 "Having reference to the Anti-  
17 "Gambling Squad which operates from  
18 "our headquarters here in Toronto, I  
19 "direct your attention to the fact  
20 "that during the current year, 1961,  
21 "successful raids were carried out  
22 "in the following municipalities in  
23 "connection with bookmaking and  
24 "betting: Aylmer, Port Erie, Oshawa,  
25 "Simcoe, Brantford, London, Port  
26 "Colborne, Thorold, Toronto Township,  
27 "Cobourg, Humberstone Township, Port  
28 "Credit, Tillsonburg.

29 "Thirty-eight prosecutions were  
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1 "launched, which resulted in 28 convictions,  
2 "5 dismissals, four withdrawals, and  
3 "one remanded for sentence. The  
4 "28 convictions resulted in total fines  
5 "in the amount of \$11,325 being imposed.  
6 "In addition to the above, 11 other  
7 "charges are awaiting hearings in  
8 "various magistrates' courts. The  
9 "attached list in connection with all  
10 "the above mentioned is self-explanatory.

11 "I have this date, November 23rd,  
12 "been in telephone communication with  
13 "Chief Constable J. Mackay,  
14 "Metropolitan Toronto Police  
15 "Department, and have been advised  
16 "by him that, to his knowledge, there  
17 "is no organized or syndicated crime  
18 "in the municipality under his  
19 "jurisdiction.

20 "In reply to your enquiry, please  
21 "be advised that, in the municipality  
22 "of Metropolitan Toronto, where Bingo  
23 "games are held in public halls, a  
24 "public hall licence would be in  
25 "existence covering the premises;  
26 "having been issued by the Metropolitan  
27 "Toronto Licensing Commission. Where  
28 "Bingo games are held in church  
29 "premises, no public hall licence is  
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"The first of these is the fact that the  
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1 "necessary."

2 "Chief Constable C.H. Pay of  
3 "Niagara Falls, states they have no  
4 "organised crime, that gambling  
5 "activities are exceptionally quiet,  
6 "and that in his 31 years with the  
7 "Niagara Falls Police Department he  
8 "has never seen the criminal element  
9 "so quiet. He states that he  
10 "believes the gambling element of  
11 "Niagara Falls, Ontario, go to  
12 "Niagara Falls, New York, or Buffalo,  
13 "New York, to engage in gambling  
14 "activities."

15 That is the reversal; that is the end of  
16 it, and that is Exhibit 286.

17  
18 ---EXHIBIT NO. 286: Memorandum to the Hon. A.K.  
19 Roberts, Q.C., from Commissioner  
20 W.M. Clark, Commissioner for  
Police for Ontario.

21 THE WITNESS: Then, sir, I would like to  
22 refer to a letter dated November the 15th,  
23 1961; a memorandum from Commissioner Clark  
24 to myself.

25 Q. What is the date ---

26 A. I am going to use your voice as  
27 much as I am to get a breather.

28 MR. WILSON: This is a report from  
29 Commissioner Clark, to the Attorney General,  
30 of November the 16th -- I beg your pardon,







1 November the 15th, 1961, re syndicated, organized  
2 crime.

3 THE COMMISSIONER: I thought the other one  
4 was from Clark to the Attorney General; of  
5 November the 23rd?

6 MR. WILSON: But this apparently deals  
7 with a specific point. The heading reads,  
8 "Syndicated, organized crime. Address by  
9 Commissioner W.C. Harvison, Royal Canadian  
10 Mounted Police, Monday, November the 6th, 1961,  
11 at Toronto."

12 I have not read the document; I take it  
13 it is a comment on his remarks.

14 "I have the honour to advise  
15 "that on Thursday, November the 9th,  
16 "1961, I met with Commissioner C.W.  
17 "Harvison of the Royal Canadian  
18 "Mounted Police at his headquarters  
19 "at Ottawa. During a two and one-  
20 "half hour discussion on general  
21 "police matters, brief mention was  
22 "made to his address to the  
23 "Canadian Club at Toronto on Monday,  
24 "November 6, in which he made  
25 "reference to organized crime in  
26 "Canada.

27 "During our entire conversation,  
28 "Commissioner Harvison did not pin-  
29 "point any location in the Province  
30







1 "of Ontario, within municipalities or  
2 "otherwise, where organized or syndicated  
3 "crime did exist.

4 "On May the 31st, 1961, a conference  
5 "was held in Toronto attended by police  
6 "executives and officials of the  
7 "Federal Bureau of Narcotics (U.S.A.),  
8 "Immigration and Naturalization Service,  
9 "members of the Royal Canadian Mounted  
10 "Police which included Commissioner  
11 "Harvison, United States Secret Service,  
12 "United States Customs Officials,  
13 "United States Internal Revenue Service  
14 "and officials of the Metropolitan  
15 "Toronto Police Department, along with  
16 "myself and Assistant Commissioners  
17 "Kennedy and Franks. During that  
18 "conference it was agreed that some  
19 "further studies should be given by  
20 "the R.C.M.P. and Ontario Provincial  
21 "Police to set up the mechanics of  
22 "collecting and supplying information.

23 "I mention this particular  
24 "conference having been held and the  
25 "purpose for which it was called, in  
26 "view of the fact that during my  
27 "discussion with Commissioner Harvison,  
28 "it was agreed that in the near future  
29 "a meeting would be held in Ottawa  
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1 "between the Director of the Quebec  
2 "Provincial Police, the Chief Constable  
3 "of the City of Montreal, Chief  
4 "Constable Mackey of Metropolitan  
5 "Toronto, and myself, to further  
6 "discuss the distribution and exchange  
7 "information between large police  
8 "departments. If and when this  
9 "proposed meeting takes place, it  
10 "may be possible to obtain from  
11 "Commissioner Harvison some  
12 "clarification of his allegation,  
13 "or reference in his address to  
14 "organized or syndicated crime in  
15 "Canada.

16 "Attached please find copy of  
17 "Commissioner Harvison's address to  
18 "the Canadian Club in Toronto on  
19 "November 6, 1951."

20 THE COMMISSIONER: Exhibit 207.

21  
22 ---EXHIBIT NO. 207: Memorandum from Commissioner W.H.  
23 Clark to the Hon. A.K. Roberts,  
24 Q.C., Attorney General.

25 MR. WILSON: There is no attachment.

26 MR. MACKINNON: I wonder if we could have  
27 the attachment.

28 MR. WILSON: We will have it.

29 THE COMMISSIONER: As a matter of fact, I  
30 do not know whether it has been entered as an





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1 exhibit?

2 MR. MACKINNON: No, it has not, and I would  
3 like to see it.

4 MR. EKEWIN: I would like to see it also.

5 MR. WILSON: We will have available copies  
6 of it.

7 THE WITNESS: I think it would be very  
8 good if counsel did read and digest the whole  
9 thing, because what has been said about that  
10 particular speech has been distorted; terribly  
11 distorted, I might say.

12 MR. WILSON: We will make available copies  
13 to them.

14 THE WITNESS: And then, sir, I would like  
15 to produce, and I am near the end of this now --  
16 I am going to produce the letter I received  
17 around November the 9th from Commissioner  
18 Harvison's office; he had a conversation with  
19 me, and he referred to proceedings of the  
20 Parliamentary Committee on Capital and Corporal  
21 Punishment and Lotteries, and the statement  
22 of Commissioner Nicholson before that  
23 committee; and he was good enough to send me  
24 copies of the record of these proceedings,  
25 and I would like to put them on file.

26 THE COMMISSIONER: Let us see those  
27 please.

28 THE WITNESS: I have certain references  
29 that I would like to give as to the pages, and  
30



11/11/11

Dear Sir,

I am writing to you

in regard to the

matter of the

11/11/11

I am writing to you

in regard to the

matter of the

11/11/11

I am writing to you

in regard to the

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I am writing to you





1 let it go at that; and perhaps some one on your  
2 staff would digest them.

3 THE COMMISSIONER: Am I concerned with the  
4 study of capital punishment or corporal  
5 punishment?

6 A. No. The Committee would cover all  
7 these things. I picked out the spots that I  
8 would like read: A1, A2, B1 ---

9 Q. B2?

10 A. B2, B3, B9, B10, B11 ---

11 Q. It is beginning to sound like -- (the  
12 rest of the remark was lost in laughter)

13 A. B13, B14; C1, C2, C3, C6, C7, C8  
14 and C9.

15 And also there is ---

16 MR. MACKINNON: Just a moment; what is the  
17 witness referring to? I should like to know that!

18 THE COMMISSIONER: He is referring to this  
19 document here, the Report of the Parliamentary  
20 Committee on Capital and Corporal Punishment  
21 and Lotteries.

22 If I looked at these pages, I will be  
23 shortening it up, to say that I hope I will be  
24 seeing something advantageous!

25 A. And there is the statement re  
26 lotteries, which Mr. Nicholson made before the  
27 Committee, dated the 24th of May, 1954, which  
28 is attached; and if I might produce this? It  
29 is not a long statement, but it does carefully  
30



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1 consider some of the real problems that the  
2 Commissioner found, and some of the things  
3 that he thought might have been done to  
4 improve this pretty vexatious problem, and  
5 the law relating to it.

6 I might read this. He said:

cc/3 7 "It would also be well, I  
8 "suggest, to define principles that  
9 "will permit the difference between  
10 "legal and illegal gambling to be  
11 "clearly distinguishable to the  
12 "public. These principles might  
13 "be:

14 "(a) That no public gambling is  
15 "allowed, unless the funds of the  
16 "debtors can be protected by  
17 "reasonable and practical means.  
18 "(b) That no professional gamblers  
19 "or operators can participate,  
20 "except on a salary basis.

21 "If it is accepted, as I  
22 "think it must be, that a large  
23 "proportion of the people of this  
24 "country want to gamble in a  
25 "modest way, and will insist on  
26 "patronizing illegal games, if  
27 "legal ones are not available, then  
28 "I submit the aim should be to  
29 "provide controlled gambling  
30 "







1 "facilities, and thus prevent exploitation  
2 "of the gambling instinct of the public.  
3 "At the same time, if the line of  
4 "demarcation between legal and  
5 "illegal gambling can be fixed at a  
6 "point which is generally acceptable,  
7 "then I am sure enforcement will be  
8 "a great deal more effective and  
9 "efficient than it is to-day."

10 THE COMMISSIONER: Attach that to 286.

11  
12 ---EXHIBIT NO. 286: Report of Committee on Capital  
13 and Corporal Punishment and  
14 Lotteries.

15 ---EXHIBIT NO. 286-A: Excerpt of speech made by  
16 Commissioner Nicholson before  
17 the Committee.

18 THE WITNESS: That statement was made some  
19 eight years ago, and it has a present context,  
20 particularly as the law has not in the interval  
21 been changed.

22 Finally, I would like to refer to a portion  
23 of a broadcast made over CBC radio, Sunday, the  
24 26th of November, 1961.

25 THE COMMISSIONER: By whom?

26 A. By Commissioner O.W. Wilson, head  
27 of the Chicago Police Force, made at 10.30 p.m.  
28 He was interviewed by Bill Batty, a feature  
29 writer of the Montreal Gazette; and I have had  
30 a copy made of the recording. We have page 2  
and 3.



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1 Here, you have the Commissioner talking  
2 about these problems, as he sees them in  
3 Chicago, and he attempts to get a definition  
4 of organized crime.

5 THE COMMISSIONER: Exhibit 289. What  
6 is the name of the Commissioner?

7 A. Commissioner O.W. Wilson.

8 Q. And what is his status? Commissioner  
9 of Police?

10 A. He is head of the Chicago Police  
11 Force, and has been from some time in 1960, I  
12 believe.

13  
14 ---EXHIBIT NO. 289: Transcript of broadcast by  
15 Commissioner O.W. Wilson,  
16 heard over CBC radio, on  
17 Sunday, 26th November, 1961.

18 THE WITNESS: And that, I think, Mr. Wilson,  
19 pretty well sums it up.

20 MR. WILSON: That is all for the moment.  
21 If there is anything further, I will re-examine  
22 on it.

23 It is now 4.00 o'clock, Mr. Commissioner.

24 MR. MACKINNON: Is Mr. Wilson not going  
25 to examine this witness further? At least,  
26 is that your examination?

27 MR. WILSON: That is it.

28 MR. MACKINNON: Then, I have to advise  
29 you, Mr. Commissioner, that because of Mr.  
30 Brewin's commitments in other places, I will  
let him go first.



There are two main types of...

...the first type is...

...the second type is...

...the third type is...

...the fourth type is...

...the fifth type is...

...the sixth type is...

...the seventh type is...

...the eighth type is...

...the ninth type is...

...the tenth type is...

...the eleventh type is...

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MR. BREWIN: Shall I proceed?

THE COMMISSIONER: This is before the long week-end. I do not know whether we ought to rise now?

MR. BREWIN: I do not think it is likely that I would finish very quickly, at any rate.

THE COMMISSIONER: Very well. Tuesday morning, then.

MR. BREWIN: It is possible that I may not be able to be here then; in that event, other arrangements will be made, no doubt; but I will try to be here.

THE COMMISSIONER: Tuesday morning, 10.00 o'clock.

---whereupon the hearing adjourned at 4.00 o'clock p.m., until Tuesday, October 9, 1962, at 10.00 o'clock a.m.

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VOLUME NO.....

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

Date.. **Tuesday. Oct. 9/62.**

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A/1/NG

TUESDAY, OCTOBER 9, 1962

---On resuming at 10:05 o'clock a.m.

A. KELSO ROBERTS, resumes the stand

EXAMINED BY MR. WILSON:

Q. In dealing on Friday with certain charges in the Leader of the Opposition's speech, Exhibit 3, you mentioned ones that you thought affected you directly and I understand that there is one matter in that connection that you overlooked mentioning on Friday.

A. I would like to refer to page 97 of the Leader of the Opposition's speech and I would read two sections of it:

"The Roseland Club at Windsor

"lost its Provincial charter

"on March 8th, 1958 as a result

"of a court conviction two months

"before of two men, Curly Gardner

"and Leo Finnigan, on charges of

"keeping a common gaming house.

"Well, the hon. Attorney-General

"may say we finally got them. Mr.

"Speaker, that conviction was obtained

"despite the hon. Attorney-General,

"not because of him."

And I quote further:



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

...and it is not to be used in any way to

and therefore I was visited by angels.

[illegible]

TO ORDER OF MASTER OF SAIL BOAT I . . .

and to establish our team before I

7042610 *Intervista* 1971 *Cont'*

*Exochus vittatus*, new sp. (figs)

"I thought that I could not have been so wrong."





1 "The police evidence, Mr. Speaker,  
2 "was dramatically revealed in court  
3 "by the appearance of one Raymond  
4 "Atwood of Detroit as a Crown witness.  
5 "Mr. Atwood's brother Earl had been  
6 "found murdered in Michigan a few  
7 "weeks before after winning a very  
8 "large amount of money at the Roseland  
9 "Club. Earl Atwood was reported to  
10 "be carrying \$40,000 when slain.  
11 "Raymond Atwood was prepared to  
12 "testify about the Roseland Club's  
13 "operation, but he never got the chance.  
14 "The moment he appeared defence counsel  
15 "asked for a recess and when the court  
16 "resumed the accused changed their  
17 "pleas from not guilty to guilty."

18  
19 The underlying part, that sentence I just read  
20 which I quote--

21 "Raymond Atwood was prepared to  
22 "testify about the Roseland Club's  
23 "operation, but he never got the  
24 "chance."

25 -- is entirely false. I now present to the  
26 Commission the evidence in this case and I  
27 show, sir, this evidence which maybe should be  
28 read into the record. In any event, I say  
29 the plea of not guilty was entertained by the  
30 magistrate. This man Atwood gave some 24 pages



The police witness, Mr. [redacted]  
"The immediately following is [redacted]  
"by the appearance of one [redacted]  
"Atwood to [redacted] as a [redacted]  
"Mr. Atwood's [redacted] [redacted]  
"and [redacted] in [redacted] a [redacted]  
"before [redacted] [redacted] a [redacted]  
"large amount of money at the [redacted]  
"Club. [redacted] [redacted] was reported to  
"be carrying \$40,000 when slain.  
"The [redacted] was [redacted] in  
"the [redacted] [redacted] [redacted]  
"operation, but he never got the chance.  
"The [redacted] in [redacted] [redacted]  
"called for a [redacted] and when the [redacted]  
"[redacted] [redacted] [redacted] [redacted]  
"pleads from not guilty to guilty."  
"The [redacted] [redacted] [redacted] I [redacted]  
"when I [redacted]  
"The [redacted] [redacted] [redacted]  
"The [redacted] [redacted] [redacted]  
"operation, but he never got the  
"chance."  
"-- is entirely false. I now present to the  
"Commission the evidence in this case and I  
"ask that this evidence [redacted] [redacted]  
"read into the record. In any event, I ask  
"the plea of not guilty was entered by the  
"defendant. This can Atwood have some [redacted]





1 of testimony and at the end of his complete  
2 testimony, after the man's testimony was brought  
3 out in that way, there was an adjournment and  
4 counsel for the accused came in after the  
5 adjournment and changed the plea from not guilty  
6 to guilty.

7 THE COMMISSIONER: Did you want to file  
8 that?

9 A. I will file that.

10 MR. WILSON: In Exhibit 136, which is  
11 the report of Inspector Hatch ---

12 THE COMMISSIONER: Just a minute. That  
13 is Exhibit 290.

14 ---EXHIBIT NO. 290: Transcript of evidence of  
15 Raymond Atwood.

16 THE WITNESS: I think, sir ---

17 THE COMMISSIONER: Just a moment. Yes?

18 THE WITNESS: I think, sir, it can be  
19 said on reading of this evidence, the complete  
20 story of the operation of a common gaming house  
21 was given by Atwood, who was present and gave  
22 the evidence as a witness. Raymond Atwood --  
23 actually an appeal was taken against sentence,  
24 that the sentence was excessive under all the  
25 circumstances and that the learned magistrate  
26 failed to take into account the mitigating  
27 circumstances and that he erred in sentencing  
28 the accused to twelve months in prison.  
29  
30





of testimony and at the end of his complete

testimony, after the jury's deliberation and verdict

was in fact, they found him to be innocent and

counsel for the second time in after the

adjustment and changed the plea from guilty

to guilty.

THE COMMISSIONER: Did you want to file

that?

A. I will file that.

THE COMMISSIONER: Is that all, please?

THE COMMISSIONER: I have a minute. That

is all right.

THE COMMISSIONER: I have a minute. That

is all right.

THE COMMISSIONER: I have a minute. That

is all right.

THE COMMISSIONER: I have a minute. That

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THE COMMISSIONER: I have a minute. That

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THE COMMISSIONER: I have a minute. That

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THE COMMISSIONER: I have a minute. That

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THE COMMISSIONER: I have a minute. That

is all right.

THE COMMISSIONER: I have a minute. That



1 That appeal was dismissed by the Court of Appeal.

2 MR. WILSON: Mr. Commissioner, it is  
3 quite true that the statement of Mr. Wintermeyer  
4 is inaccurate. We already have on record  
5 by Exhibit 136, which is the report of Inspector  
6 Hatch dated February 1st, 1958, the fact,  
7 and I quote in paragraph 3:

8 "After being sworn, Atwood described  
9 "the club, the manner in which they  
10 "operated and then pointed out Leo  
11 "Pinnegan and Frank Gardner as the  
12 "bosses of the club. He also  
13 "identified Amodee as the car-parking  
14 "attendant. Raymond Atwood was not  
15 "cross-examined by the defence counsel  
16 "but Mr. Arthur Martin requested the  
17 "magistrate to grant a recess as the  
18 "evidence of the witness came as a  
19 "great surprise and they wished to  
20 "consult with their clients."

21 So that we have had that.

22 THE COMMISSIONER: I remember that.

23 MR. WILSON: Q. Yes. Now, was there  
24 any other matter that was not covered on Friday?

25 A. Perhaps the other gentlemen here  
26 may think there was. As far as I know, I  
27 have now given my evidence in chief.

28 Q. Fine.  
29  
30



1 This report was filed by the Court at appeal.

2

3 and we have read the statement of Mr. [Name] [Name]

4 to the contrary. We already have on record

5 of record [Name] [Name] [Name] [Name] [Name] [Name]

6 [Name] dated January 1st, 1936, the fact

7 and I quote in paragraph 3:

8 "After this [Name] [Name] [Name] [Name]

9 "and also, the names in which they

10 "operated and then pointed out the

11 "names of the [Name] [Name] [Name] [Name]

12 "names of the [Name] [Name] [Name] [Name]

13 "identified [Name] [Name] [Name] [Name]

14 "identified. [Name] [Name] [Name] [Name]

15 "were examined by the [Name] [Name] [Name] [Name]

16 "and Mr. [Name] [Name] [Name] [Name]

17 "regarding to [Name] [Name] [Name] [Name]

18 "evidence of the witness came as a

19 "great surprise and they wished to

20 "verify this [Name] [Name] [Name] [Name]

21 So that we have had that.

22 [Name] [Name] [Name] [Name] [Name] [Name]

23 Mr. [Name]: Yes, [Name] [Name] [Name] [Name]

24 [Name] [Name] [Name] [Name] [Name] [Name]

25 [Name] [Name] [Name] [Name] [Name] [Name]

26 may think [Name] [Name] [Name] [Name] [Name] [Name]

27 have now given my evidence in chief.

28 [Name] [Name] [Name] [Name] [Name] [Name]





1 EXAMINED BY MR. BREWIN:

2  
3 Q. Mr. Roberts, I would like to deal  
4 first of all with the matter of Magistrate  
5 Thompson.

6 A. Yes.

7 Q. I don't think you need your book.

8 A. I don't need my book. I just  
9 need the evidence of Thompson in front of me.

10 Q. I was going to call your attention  
11 to that. First, would you not agree with me  
12 that Magistrate Thompson is a very highly  
13 respected magistrate of this Province?

14 A. I don't think I am called upon  
15 to give any credit or any testimonial about  
16 anybody at the moment one way or the other.

17 Q. I am asking you.

18 A. I am not going to. I don't  
19 think I am called upon to do so.

20 Q. I think you are called on to  
21 answer the question.

22 THE COMMISSIONER: Just a moment. Let us  
23 assume he is.

24 MR. BREWIN: Q. Yes. Then surely you  
25 can tell me whether ---

26 A. The Commissioner said, "Let us  
27 assume he is". I am not making any further  
28 statement.

29 THE COMMISSIONER: Wait until the question  
30 is asked.



EXHIBIT 100-100000

Q. Now, I would like to deal

first of all with the matter of Magistrate

Thompson.

A. Yes.

Q. I don't think you need your book.

A. I don't need my book. I just

need the evidence of Thompson in front of me.

Q. I was going to call your attention

to that. First, would you not agree with me

that Magistrate Thompson is a very honest

respected magistrate of this Province?

A. I don't think I am called upon

to give any credit or any testimonial about

anybody at the moment one way or the other.

Q. I am asking you.

A. I am not going to. I don't

claim I am called upon to do so.

Q. I think you are called on to

answer the question.

THE COMMISSIONER: Just a moment. Let me

ask him to do.

MR. BARNETT: Q. Yes. Then surely you

can tell me whether ---

A. The Commissioner said, "Let me

ask him to do." I am not making any further

statement.

THE COMMISSIONER: Will you be seated?

is asked.





1  
2 MR. BREWIN: Q. The question is whether  
3 or not, in the knowledge of this witness,  
4 Magistrate Thompson is not a highly respected  
5 magistrate.

6 THE COMMISSIONER: I say let us assume  
7 he is. On that assumption, go on.

8 MR. BREWIN: May I not ask the witness  
9 whether that is his assumption?

10 THE COMMISSIONER: I think it is pertinent.  
11 The witness doesn't want to answer it. There  
12 is no reason why you can't answer that, is there?

13 THE WITNESS: I would have to make some  
14 qualifications and I don't want to do that.  
15 It is not pertinent surely to the hearing.

16 THE COMMISSIONER: Q. I don't know what  
17 Mr. Brewin is leading up to. He is regarded  
18 favourably, isn't he?

19 A. Yes I would certainly --

20 Q. Do you know?

21 A. I would put it this way, that I  
22 haven't had too many complaints about him.

23 MR. BREWIN: Q. That is the best way  
24 you will put it. If I put it to you that  
25 in the profession of which you are the titular  
26 head, he is highly regarded, you can't say that  
27 that is -- either agree or disagree with that?

28 A. If you want to put it that way,  
29 all right.

30 Q. You put it that way.





Q. Now, the question is whether

or not, in the knowledge of this witness,

whether or not, in the knowledge of this witness,

THE COMMISSIONER: I say let an answer

be in. On that assumption, go on.

MR. BARNES: May I not ask the witness

whether or not in his examination?

THE COMMISSIONER: I think it is better.

THE WITNESS: I don't know. I don't

is no reason why you can't answer that. Is there

THE WITNESS: I wouldn't be sure.

qualifications and I don't want to do that.

It is not pertinent solely to the hearing.

THE COMMISSIONER: Q. I don't know what

Mr. Barnes is asking you for. He is asking

whether or not, in your examination,

A. I would certainly --

Q. Do you know?

A. I would not be sure why, but I

haven't had too many complaints about me.

MR. BARNES: Q. That is the best way

you will put it. If I put it to you that

in the protection of which you are the State

and, in the highly organized, you can't say that

that is -- either agree or disagree with that?

A. If you want to put it that way,

all right.

Q. You put it that way.



1 A. You did.

2 THE COMMISSIONER: Q. Have you had any  
3 complaints about him?

4 A. Yes, there have been some  
5 complaints.

6 Q. I suppose there are complaints  
7 about all the magistrates from time to time?

8 A. You can go beyond magistrates,  
9 sir.

10 Q. Even judges?

11 A. Even judges. Not in the instant  
12 case, I may say.

13 Q. I am not immune.

14 MR. BREWIN: Q. Then, Mr. Roberts, did  
15 you regard it as very shocking when it was  
16 reported to you -- it would depend on the  
17 facts -- but shocking that one of your colleagues  
18 was alleged to have interfered with the  
19 administration of justice?

20 A. I think I explained in my evidence  
21 in chief the circumstances surrounding the  
22 attendance of Magistrate Thompson in my office.  
23 I am going to answer this. As I say, Magistrate  
24 Thompson in his own testimony said before  
25 this Commission at page 4675 and 4676, the  
26 bottom of 4675, in the question:

27 "Q. Did the Attorney-General

28 "ask you whether it was possible

29 "this was someone on the phone who  
30



A. Yes, sir.

THE COMMISSIONER: Have you had any

communication with him?

A. Yes, I have had some communication.

A. I would like to see him.

THE COMMISSIONER: You are not going to

see him in the future?

A. Yes.

A. Yes, sir.

A. Yes, sir. Not in the future.

THE COMMISSIONER: I am not sure.

A. I am not sure.

THE COMMISSIONER: G. Thompson, Mr. Roberts, did

you regard it as very shocking when it was

mentioned in the press -- it was in the

press -- the shocking thing one of your colleagues

was alleged to have been involved with the

commission of justice?

A. I think I explained in my evidence

in detail the circumstances surrounding the

attendance of the witness in my office.

I am going to answer that. As I say, the witness

was in the office and was not in the office

and was not in the office and was not in the office

before of 1975. In the question

A. And the Attorney-General

ask you whether it was possible

that he would be in the office





1 "was saying they were Mr. Maloney

2 "and, in fact, it was not Mr.

3 "Maloney?

4 "A. Yes, the Attorney-General,

5 "with great respect to him, cross-

6 "examined me very severely, suggesting,

7 "first, it may very well have been

8 "someone else, and I agreed it was

9 "a possibility."

10 Q. A possibility?

11 A. Yes.

12 Q. Now, Mr. Roberts, I think I am  
13 going to try to get you to answer my question.  
14 If you will answer now my question to you  
15 whether the allegation - it was only perhaps  
16 an allegation - that one of your colleagues, as  
17 a Minister of the Crown, was interfering with  
18 the administration of justice was shocking to  
19 you?  
20

21 A. Any statement of interference with  
22 the administration of justice would certainly  
23 be shocking to me.

24 Q. And particularly, positive evidence  
25 that the source was a Minister of the Crown?

26 A. If I had any evidence of a positive  
27 nature that would follow and justify such a  
28 situation, of course.

29 Q. You know ---

30 A. I think myself that another person



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Q Now, did you see the man who was with you?

A Yes, I saw him.

Q What time was that?

A About 10:30 or 11:00.

Q Did you see him again?

A Yes, I saw him again.

Q What time was that?

A About 11:30 or 12:00.

Q Did you see him again?

A Yes, I saw him again.

Q What time was that?

A About 12:30 or 1:00.

Q Did you see him again?

A Yes, I saw him again.

Q What time was that?

A About 1:30 or 2:00.

Q Did you see him again?

A Yes, I saw him again.

Q

A Yes, I saw him again.

Q What time was that?

A About 2:30 or 3:00.

Q Did you see him again?

A Yes, I saw him again.

Q What time was that?

A About 3:30 or 4:00.

Q Did you see him again?

A Yes, I saw him again.

Q What time was that?

A About 4:30 or 5:00.





1 would institute the proper investigation. But  
2 let me tell you, nothing could be more futile  
3 than to expect the Attorney-General, on some  
4 statement of that sort, to institute by himself  
5 such an investigation. It would defeat the  
6 very purpose of the whole thing if he was to  
7 do such a thing.

8 Q. Perhaps it might be futile for  
9 this Attorney-General, but why would it be  
10 futile for the Attorney-General in charge of  
11 the administration of justice to make a prompt  
12 inquiry into this matter?

13 A. It would be futile for him himself  
14 to do it is what I said. I didn't say anything  
15 about if a magistrate who at that time had had  
16 four years almost on the Bench, as I said on  
17 Friday, had wished to take the matter into  
18 his own hands. If he really believed it  
19 was Maloney, he could have put in motion the  
20 type of investigation that would have ascertained  
21 far more readily and accurately than I could  
22 hope myself to do by my questioning of anybody.  
23 That is obvious, it seems to me.

24 Q. You are saying ---

25 A. I might have defeated the whole  
26 picture had I intervened personally and  
27 started personal questioning on my own.

28 Q. You are saying that as Attorney  
29 General of this province, when it is reported  
30





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Q. ...

...and ...



1 to you a colleague of yours has tried to inter-  
2 fere with the administration of justice, you  
3 leave it to the magistrate and do nothing  
4 yourself?

5 A. I didn't say that at all. I  
6 stated in effect the result of the discussion  
7 with Thompson at that time and he himself  
8 said he hadn't come to me. I think he did.  
9 He said he was brought in to me by Mr.  
10 Common and when he did come, he wanted to  
11 know what he should do and the thing he  
12 should do at that particular time was to do  
13 his duty and dispose of this case. He  
14 was told by both Mr. Common and myself to  
15 do just that.

16 Q. You did know, I suppose -- you  
17 apparently got Mr. Thompson's evidence. I  
18 refer you to page 4681 where this question  
19 was put to him:

20 "Q. --- I suggest to you, Mr.

21 "Thompson, that there was no doubt

22 "in your mind that that was the

23 "voice of Jim Maloney?

24 "A. None whatever."

25 There wasn't any doubt, was there, in Mr.  
26 Thompson's mind? He said ---

27 A. As far as his conversation with  
28 me and with Mr. Common, there was doubt. He  
29 himself said so.  
30



2000





1           Q.       Who put the doubt in his mind? You  
2 cross-examined him.

3           A.       I attempted to ascertain what he  
4 came for. I asked him his knowledge, which I  
5 do with anybody who comes into my office.

6           Q.       You conducted a severe cross-  
7 examination? That is the way he mentioned it.

8           A.       I don't agree with that. Some  
9 of you people seem to think I am severe.

10          Q.       You are the one, I think, who  
11 suggested to him that Mr. Maloney might have  
12 been drunk at the time?

13          A.       In answer to that, I say this.  
14 I think the health situation of Mr. James  
15 Maloney in a general way is known to you. It  
16 is known to me. I don't think we should,  
17 in the situation of a man who is dead, trot  
18 that out here publicly. If that is relevant,  
19 then I suggest, Mr. Commissioner, that you  
20 hold a hearing in camera and then have the  
21 medical advisors and the people who know  
22 exactly what the condition of this man was  
23 over a period of time, particularly in 1959  
24 at the relevant time of this discussion.

25          Q.       Mr. Roberts, are you going to  
26 answer my questions instead of making speeches?  
27 I put this to you. Did you or did you not  
28 suggest that Mr. Maloney might have been  
29 drunk at the time? Perhaps you could answer  
30

[illegible]





1 that "yes" or "no"?

2 A. I am going to wait to see whether  
3 this should be.

4 THE COMMISSIONER: Answer it "yes" or "no".

5 A. I may well have said to him -- it  
6 was common knowledge -- I may have said to him  
7 he might well have been drunk. I might  
8 have said that.

9 MR. BREWIN: Q. And did Magistrate  
10 Thompson point out to you this was 9.00 o'clock  
11 in the morning he received this call?

12 A. Again I haven't detailed  
13 recollection of what the hour was, but if he  
14 said it was 9.00 o'clock in the morning, that  
15 might be so, but in the event of a person  
16 being ---

17 THE COMMISSIONER: Just answer the  
18 question.

19 THE WITNESS: I am speaking with some  
20 hesitation about the hour because I don't  
21 recall it in detail. But if he says it  
22 was 9.00 o'clock, I wouldn't dispute that.

23 MR. BREWIN: Q. And it was some four  
24 months later that you spoke to Mr. Maloney  
25 about it?

26 A. I would say about that.

27 Q. Are you suggesting you couldn't  
28 have got in touch with him much quicker?

29 A. I am not suggesting anything. I  
30





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1 didn't succeed. The judgment, according to the  
2 records supplied to me in that particular case,  
3 was given on the 4th of May, 1959. I know  
4 the attendance of Mr. Thompson in my office  
5 was just a matter of a few days prior to him  
6 delivering that judgment, a short time  
7 prior to the delivering of that judgment. I  
8 also know as a matter of fact that the  
9 writ of election for the 1959 provincial  
10 election was issued on the 4th of May, 1959.  
11 I said that not having succeeded at the time  
12 in getting in communication, the election  
13 intervened, and after the election -- this  
14 is purely routine -- after the election, the  
15 11th of June, I didn't see him personally  
16 during the month of June. I left for the  
17 Maritimes. I was away until August. I  
18 didn't, to my recollection, see him in  
19 August and it was into the fall before I did  
20 get in touch with him in the manner I  
21 mentioned in my evidence. But I can assure  
22 you I wasn't running around with that upper-  
23 most in my mind during that period.

24 Q. It didn't seem to have been very  
25 much in your mind, was it?

26 A. No, it wasn't very much in my  
27 mind.

28 Q. You didn't take the thing too  
29 seriously?  
30



1910s records. The following records are of the

records reported to be in the following order:

was given on the 4th of May, 1911. I have

the statement of Mr. Thompson in my office

and that a matter of a few days prior to the

statement was made, a few days

from the statement of the statement.

and there is a number of other facts

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1 A. As I said before, the magistrate  
2 himself wasn't certain and if the person himself  
3 is not certain about the situation when he  
4 is talking to me, I am not going to get too  
5 concerned. We know a telephone call could  
6 come from a dozen and one people.

7 Q. Had there been interference by  
8 Mr. Maloney in your department before, to  
9 your knowledge?

10 A. On the question of interference,  
11 I don't know that I would call it interference.

12 THE COMMISSIONER: In connection with  
13 what?

14 MR. BREWIN: In connection with the  
15 administration of justice.

16 THE WITNESS: I would say this of Mr.  
17 Maloney. He was elected in January, 1956,  
18 as a Member. He was chosen as a Minister  
19 and sworn in on the 22nd of December, 1958.  
20 He did some business as Minister of Mines.  
21 If he was acting for a client, he might have  
22 said in conversation with some department  
23 official in connection with some particular  
24 thing, but I would say he has never, to my  
25 knowledge, deliberately did anything with  
26 respect to -- directly to myself -- that I  
27 would put in the category you just mentioned.

28 Q. Well, Mr. Thompson then didn't  
29 report to you that Mr. Maloney had been in  
30



A. I am not sure, the only thing

is that I am not sure, the only thing

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1 the hair of the department, or words to that  
2 effect?

3 A. No, he certainly did not report  
4 to me that. He never reported that to me. I  
5 don't know where he reported it.

6 Q. I said Thompson. I am sorry. I  
7 meant to say Mr. Common.

8 A. Mr. Common?

9 Q. Did he not report to you ---

10 A. No, Mr. Common never reported to  
11 me. I would think it came up a few weeks  
12 ago that any such statement as that had been  
13 attributed to him. But I imagine you  
14 have discussed this and had the evidence  
15 of Mr. Common on it.

16 Q. The statement of Magistrate Thompson  
17 in the evidence at page 4693 was -- my  
18 impression was that he was referring back  
19 to Mr. Maloney, that he was interfering a  
20 great deal with the Attorney General's  
21 Department?

22 A. I don't know where he would get  
23 that information.

24 Q. You don't know where he would  
25 get that impression? You know of no basis  
26 for that impression at all?

27 A. I have given you my answer a  
28 moment ago.

29 C. Now, Mr. Roberts, I would like to  
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1        come on to the matter of the charters that were  
2        issued to these three gambling operations.

3        A.        Yes.

4        Q.        I don't perhaps need to recount  
5        which ones.    We are all familiar with them.  
6        I think it was on July 5th or thereabouts  
7        of 1957.

8        A.        Actually on the 18th of July was  
9        the day on which the charters passed, I  
10       think.

11       Q.        I think they are issued, dated  
12       back to an earlier date?

13       A.        That is very common practice, as  
14       you know.

15       Q.        That is, that you took and take  
16       full responsibility for the issue of these  
17       charters?

18       A.        I said so.

19       Q.        I want to study it a little bit.  
20       Mr. Herman told us, in fact, it was his  
21       idea -- I beg your pardon, your idea or  
22       suggestion?

23       A.        I would certainly hope it was my  
24       idea.    It wasn't his idea.

25       Q.        I meant to say it was your idea.  
26       Is that correct?

27       A.        I gave the history on Friday of  
28       the lead-up to this.

29       Q.        Just answer the question to-day.  
30



1. I am not sure if the machine is working properly.

2. I need to check the power supply and the connections.

3. Yes, I have checked the power supply.

4. I don't know what the problem is.

5. I will try to fix it myself.

6. I think it is a problem with the software.

7. I will try to reinstall the software.

8. I will try to contact the manufacturer.

9. I will try to find a replacement part.

10. I will try to find a technician to help me.

11. I will try to find a way to fix it myself.

12. I will try to find a way to fix it myself.

13. I will try to find a way to fix it myself.

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29. I will try to find a way to fix it myself.

30. I will try to find a way to fix it myself.





1 A. Let me answer about the charters.  
2 I gave the background of them. I said when we  
3 arrived at the point we arrived at in June,  
4 1957, that with the background of that  
5 information that is on the record, I certainly  
6 welcomed the opportunity of getting the  
7 switch from federal charters to Ontario  
8 charters.

9 Q. You have repeated what you said?

10 A. Of course I have.

11 Q. Will you answer my question  
12 directly? Was it or was it not your  
13 suggestion? I don't want you to make a  
14 speech.

15 A. Of course, I saw some advantage  
16 in the obtaining of a switch to federal  
17 charter system to provincial charter system.

18 Q. I am going to get an answer.  
19 I don't care what you, sir ---

20 THE COMMISSIONER: You will get answers.  
21 Don't blow the roof off the building.

22 MR. BREWIN: I intend to try to get the  
23 answer.

24 THE COMMISSIONER: You will get the  
25 answer.

26 Q. It was your idea, was it not?

27 A. Yes, sir. I was only too anxious  
28 to do this.

29 Q. You told us last week?



1. I am not sure about the number.

2. I have not heard of any. I have not heard of any.

3. I have not heard of any. I have not heard of any.

4. I have not heard of any. I have not heard of any.

5. I have not heard of any. I have not heard of any.

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28. I have not heard of any. I have not heard of any.

29. I have not heard of any. I have not heard of any.

30. I have not heard of any. I have not heard of any.



1 A. Yes.  
2 Q. It was your idea?  
3 A. Certainly it was my idea.  
4 Q. You take full responsibility for it?  
5 A. I said I did, and I say it again  
6 now.

7 MR. BREWIN: Very well. I don't know  
8 why we take so long to get to it.

9 THE WITNESS: Apparently you couldn't  
10 understand the testimony Friday.

11 THE COMMISSIONER: Never mind that.

12 MR. BREWIN: I think I understand ---

13 THE COMMISSIONER: All right, Mr. Brewin,  
14 what is your next question?

15 MR. BREWIN: Q. My next question is that  
16 the issue of these charters at your direction,  
17 if I may put it that way, was rather unusual  
18 and unique?

19 A. Let us get the record straight.  
20 I don't issue charters, they are issued by  
21 the Provincial Secretary who is a Minister  
22 as myself.

23 Q. We have been told by Mr. Cudney  
24 and others that you made a decision and  
25 said the charters were to be issued?

26 A. I recommended them, yes.

27 Q. You initiated the whole thing,  
28 didn't you?

29 A. That is correct.  
30





1. I am not a member of the  
2. I am not a member of the  
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9. I am not a member of the  
10. I am not a member of the



1 Q. And this was most unusual, I put it  
2 to you?

3 A. You are dealing with a most unusual  
4 situation.

5 THE COMMISSIONER: Q. Then if he said  
6 that, I suppose your answer is "yes"?

7 A. Yes.

8 MR. BREWIN: Q. It was unique. You never  
9 did it before or since, I take it?

10 A. The sense of it in this particular  
11 case has already been illustrated. At the  
12 moment there is no particular need to meet  
13 such a situation as that that I know of.

14 Q. I am going to discuss the sense  
15 of it later. You don't need to make a  
16 speech all the time, Mr. Roberts. Have you  
17 ever, before or since, intervened with the  
18 Provincial Secretary's Department and  
19 required or initiated the issue of a charter  
20 except in this case?

21 A. I think the answer to that would  
22 be no.

23 Q. No. And it is ---

24 A. I don't recall any.

25 Q. It is not the usual procedure at  
26 all, is it?

27 THE COMMISSIONER: He said that, that  
28 this was unusual.

29 MR. BREWIN: Q. Now, I suppose it is  
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1 obvious -- again we have been told this before --  
2 you didn't get any of the police reports that  
3 would be normal?

4 A. It is quite apparent that these  
5 clubs were suspect. The federal clubs  
6 were suspect. The people in the federal  
7 clubs were suspect and a switch-over definitely  
8 would be suspect. If the police had been  
9 asked to do anything, I would have expected  
10 them to say it was unusual. As a matter  
11 of fact, they did make reports in relation  
12 to the three directors of each of the three  
13 clubs.

14 Q. Did you see that report?

15 A. Yes. That is on the record.

16 Q. It is on the record, but I am  
17 asking you if you saw it. Did you see it?

18 A. Of course I saw it. I have  
19 been aware of what went on the record.

20 Q. Did you ---

21 A. I think I was in the room at  
22 the time it was brought in so I heard it if  
23 I didn't see it.

24 Q. At the time you issued the  
25 charters, did you see the report?

26 A. At that point, this was in the  
27 hands of my assistants in the office with  
28 the Provincial Secretary's office.

29 THE COMMISSIONER: What exhibit is that?  
30



1. The first thing I noticed when I stepped out of the plane was the cold air.

2. It felt like a giant hand reaching out to grab me.

3. I had never experienced anything like this before.

4. The air was so dry that my throat felt like it was on fire.

5. I had heard that the weather in the desert was terrible.

6. Now I knew why. The heat was unbearable.

7. I had been told that the humidity was the worst part of the trip.

8. But now I realized that the dryness was just as bad.

9. I had been warned that the sun was too bright.

10. And now I knew that was true. The sun was a relentless fireball.

11. I had been told that the sand was too hot.

12. And now I knew that was true. The sand was a scorching blanket.

13. I had been warned that the people were unfriendly.

14. But now I knew that was not true. The people were warm and welcoming.

15. I had been told that the food was terrible.

16. And now I knew that was true. The food was delicious and filling.

17. I had been warned that the nights were too hot.

18. And now I knew that was true. The nights were a perfect escape.

19. I had been told that the mornings were too hot.

20. And now I knew that was true. The mornings were a perfect start.

21. I had been warned that the afternoons were too hot.

22. And now I knew that was true. The afternoons were a perfect break.

23. I had been told that the evenings were too hot.

24. And now I knew that was true. The evenings were a perfect end.

25. I had been warned that the nights were too hot.

26. And now I knew that was true. The nights were a perfect sleep.

27. I had been told that the mornings were too hot.

28. And now I knew that was true. The mornings were a perfect wake.

29. I had been warned that the afternoons were too hot.

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1 THE WITNESS: I don't know that I actually  
2 saw the document but I have been aware of what  
3 was going on.

4 MR. BREWSTER: Q. Do you not think it  
5 rather strange to be issuing charters to a group  
6 of people that included one Henry Danore,  
7 personally known by me to be a gambler,  
8 and Felix Borelli, a known gambler and bawdy  
9 house operator from Niagara Falls?

10 A. I have made it abundantly clear  
11 when this switch-over was undertaken --  
12 surely it is as plain as it can be. Anybody  
13 with any common sense can understand why a  
14 switch of this sort that would continue  
15 to be suspect if it wasn't suspect before.  
16 But we got them out from under the  
17 protection of the federal charter into the  
18 much less protected area of the provincial  
19 charter.

20 Q. For the moment I am interested  
21 in your reaction to the idea of issuing a  
22 charter to some one who was said to be a  
23 well known gambler and bawdy house operator.

24 A. They already had their charter  
25 and they were -- nobody on the police force  
26 was able, apparently, to get rid of them  
27 with that charter. I gave the history on  
28 Friday. I stand by it and I say as the  
29 Conservative Attorney General of the day, I  
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The following is a list of the names of the persons who have been appointed to the various positions in the Department of the Interior, and who have been sworn in as such.

1. Mr. [Name] has been appointed to the position of [Position].

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29. Mr. [Name] has been appointed to the position of [Position].

30. Mr. [Name] has been appointed to the position of [Position].



1 did what I thought was the proper thing to do  
2 and if some other Attorney General of some  
3 other Party thought differently, would have  
4 thought differently, it would be up to him.  
5 I made my decision in what I believed was  
6 the best interest of the public at the time.

7 Q. I put it to you that your  
8 theory, Mr. Roberts, was that somehow or  
9 other Mr. Herman's undertaking that they  
10 would behave and discontinue their evil  
11 ways would be carried out?

12 A. Not necessarily. What I did  
13 know was that we had a weapon from then on  
14 and we could get these people if they  
15 wouldn't behave themselves.

16 Q. The weapon was that you could  
17 cancel the charter?

18 A. Cancel for evidence and for  
19 cause.

20 Q. Will you kindly indicate why  
21 you made a simultaneous arrangement with Mr.  
22 Herman then that these clubs were not to be  
23 raided except on complaint?

24 A. I didn't make any such arrangement  
25 at all. What I did do was what I would  
26 think anybody with a decent sense of fair  
27 play would do. That is, you wouldn't get  
28 an arrangement of this sort to-day and  
29 to-morrow jump on top of them without giving  
30



1. The first thing I noticed when I stepped out of the plane was the

2. fresh air. It was so different from the stale air of the city.

3. I had heard that the weather was perfect, and it was true.

4. The sun was shining brightly, and the birds were singing.

5. I felt a sense of peace and tranquility that I had never experienced before.

6. The people were friendly and welcoming, and I felt like I had found a new home.

7. I had heard that the food was delicious, and it was true.

8. The local cuisine was a mix of traditional and modern, and it was

9. a real treat for my taste buds.

10. I had heard that the scenery was beautiful, and it was true.

11. The mountains were majestic, and the lakes were crystal clear.

12. I had heard that the people were kind, and it was true.

13. They were so helpful and friendly, and I felt like I had found a new family.

14. I had heard that the culture was rich, and it was true.

15. The traditions were so interesting, and I had learned so much about the

16. history and customs of the region.

17. I had heard that the people were hardworking, and it was true.

18. They were so dedicated to their work, and I had learned so much about the

19. value of hard work.

20. I had heard that the people were honest, and it was true.

21. They were so straightforward, and I had learned so much about the

22. importance of honesty.

23. I had heard that the people were generous, and it was true.

24. They were so kind and helpful, and I had learned so much about the

25. value of generosity.

26. I had heard that the people were brave, and it was true.

27. They were so courageous, and I had learned so much about the

28. value of bravery.

29. I had heard that the people were wise, and it was true.

30. They were so knowledgeable, and I had learned so much about the





1       them some kind of chance to behave themselves  
2       and carry on their business legally and not  
3       illegally.

4               Q.       You say you didn't do anything  
5       of the sort.    I will read what Mr. Herman  
6       has ---

7               A.       Read the two statements that  
8       went out by Mr. Common.   That is relevant  
9       matter.

10              Q.       I will read you what I choose to  
11       read you.   Exhibit 178-Z is a letter dated  
12       September 12th, 1957, from Mr. Herman to  
13       Mr. Common, and this statement is made:

14                      "You will remember that . . . "  
15       You are listening to this?

16              A.       Yes, I am listening to you.    I  
17       don't have to look at you all the time.

18              Q.       I see you are reading over some  
19       notes.    I prefer that you listen to the  
20       question.

21              A.       Go ahead.

22              Q.       Perhaps you will answer this then:

23                      "You will remember that, when  
24       "arrangements were made with the  
25       "Attorney General on behalf of my  
26       "client, two units of the Army, Navy  
27       "and Air Force Veterans in Canada  
28       "as well as the Canadian Merchant  
29       "Navy Veterans Association to place  
30

[illegible]



1 "themselves under provincial jurisdiction  
2 "and operate their clubrooms under  
3 "Ontario charters, it was understood  
4 "that the Provincial Police would  
5 "cease picketing, harassing and  
6 "annoying our clients and would  
7 "instead act only on complaints  
8 "received."

9 Was that arrangement made or not?

10 A. The arrangement that was made is  
11 outlined in the memorandum of Mr. Common to  
12 myself of July 12th, 1957, and carried  
13 into operation by the memorandum of  
14 Sergeant Anderson to Commissioner McNeill.  
15 Was it 280? Just in order that we get the  
16 record clear, I would like to read it.

17 Q. Will you direct the witness to  
18 answer my question?

19 THE COMMISSIONER: Just a moment. You  
20 are referring to some exhibits. I am confused  
21 as to the exhibits.

22 THE WITNESS: I have a copy here.

23 MR. WILSON: Which one are you reading?

24 THE WITNESS: I am reading the  
25 memorandum from Mr. Common to myself and  
26 attached to it -- that one is dated July 12th,  
27 1957, and attached to it is Anderson to  
28 McNeill memorandum of July 15th.

29 MR. WILSON: That was filed a few days ago -- I  
30



[illegible]



1 don't have that either -- Thursday or Friday.

2 THE COMMISSIONER: Let me see 284.

3 MR. WILSON: I think 284 is it.

4 THE COMMISSIONER: Q. Is that what you  
5 are talking about?

6 A. Yes, sir, and attached to it,  
7 which apparently isn't here, is this July 15th  
8 memorandum.

9 MR. WILSON: The attachment, I think, is  
10 Exhibit 12, Mr. Commissioner.

11 THE WITNESS: Now, I would point out ---

12 THE COMMISSIONER: Just a moment. Now  
13 that we have that straightened out, proceed  
14 slowly. Now, Mr. Brewin, put your question.

15 MR. BREWIN: I will come back to my  
16 question and ask -- perhaps it won't be  
17 necessary to ask him to answer my question.

18 THE COMMISSIONER: Read the question.

19 MR. BREWIN: Q. The question is -- I  
20 am dealing with the first paragraph of  
21 Exhibit 178-2, a letter from Mr. Herman to  
22 Mr. Common, of September 12th. It says:

23 "You will remember that,

24 "when arrangements were made with

25 "the Attorney General on behalf of

26 "my clients, two units of the

27 "Army, Navy and Air Force Veterans

28 "in Canada as well as the Canadian

29 "Merchant Navy Veterans Association  
30







1 "to place themselves under provincial  
2 "jurisdiction and operate their  
3 "clubrooms under Ontario charters,  
4 "it was understood that the  
5 "Provincial Police would cease  
6 "picketing, harassing and annoying  
7 "our clients and would instead  
8 "act only on complaints received."

9 My question is, was that arrangement made  
10 or not?

11 A. That arrangement was not made in  
12 the way in which it is stated there. The  
13 arrangement or instructions that were given,  
14 which is what we were going to do -- there  
15 wouldn't be any such thing as binding  
16 arrangements. The instructions which we  
17 gave are set out in the memorandum from Mr.  
18 Common to myself, and in particular in these  
19 words:

20 "The Provincial Police will no longer  
21 "continuously park outside the  
22 "premises and will not take the  
23 "names of those who enter but they  
24 "will maintain observation by way  
25 "of periodic patrol and will make  
26 "raids when evidence is available  
27 "which would justify the same."

28 Q. Are you saying, Mr. Roberts, that  
29 Mr. Common has mis-stated the situation?  
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...the thirtieth ...



1 A. I am saying what were the instruc-  
2 tions that were given as conveyed in that  
3 memorandum.

4 Q. Please direct your mind directly  
5 to this statement of Mr. Common.

6 A. I say to the extent that he may  
7 be incorrect in his own desires and wishes,  
8 they had no bearing on me, and they didn't  
9 give the correct situation. The correct  
10 situation is, and what actual instructions  
11 were actually given are as set out in that  
12 memorandum I just read from Mr. Common to me  
13 and that is based on the rule of law.

14 Q. In Exhibit 178-AA, which is a  
15 further letter from Mr. Herman to Mr.  
16 Common, September 23rd, I will read this  
17 paragraph to you and perhaps your answer is  
18 the same:

19 "When these two clubs were  
20 "incorporated under provincial laws  
21 "as a voluntary act of the members  
22 "of the club, it was understood  
23 "that the purpose of such incor-  
24 "poration was to place each club  
25 "under provincial jurisdiction so  
26 "that there would be no reason or  
27 "excuse for picketing, harassing  
28 "and annoying this club and so that  
29 "your department and the Deputy  
30





1. The first thing I noticed when I stepped out of the plane was the fresh air.

2. It felt like I had been in a cocoon for years and was finally being released.

3. The sun was shining brightly, and the birds were singing.

4. I had heard that the weather was perfect, and now I knew it was true.

5. The people were friendly, and the food was delicious.

6. I had heard that the people were friendly, and now I knew it was true.

7. The sun was shining brightly, and the birds were singing.

8. I had heard that the weather was perfect, and now I knew it was true.

9. The people were friendly, and the food was delicious.

10. I had heard that the weather was perfect, and now I knew it was true.

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17. The people were friendly, and the food was delicious.

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27. The sun was shining brightly, and the birds were singing.

28. I had heard that the weather was perfect, and now I knew it was true.

29. The people were friendly, and the food was delicious.

30. I had heard that the weather was perfect, and now I knew it was true.



1 "Provincial Secretary would have the right  
2 "to hold an investigation and cancel  
3 "the charter if any complaints were  
4 "received."

5  
6 (Page 12060 follows)



1881

January, 1881

Received of the Treasurer of the

Board of Directors of the

City of New York the sum of

Five hundred

(Five hundred and no/100)

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Q. Is that the understanding?

A. No, that isn't the understanding. There wasn't any understanding. As I said before, the course of action as indicated in the memorandum of Mr. Common, and we met the situations as they came up; and the police did the same.

Q. This complaint that comes from Herman on behalf of his clients, that they are over-reaching themselves ---

A. There never was any arrangement as to how we were to conduct our course of action as authorities of the Crown. There never has been and never will be.

Q. Mr. Herman is a very well known lawyer?

A. Yes, he is.

Q. And also a prominent member of your own party; so at that time it is a fact that this witness's statement, a few weeks after this interview, is inaccurate and his memory is not right?

A. It is inaccurate and once more I am rather pleased he was in a position to make that decision at that time because it showed real police action was going on in a proper manner. There was no question of complaint of abandoning the charter.

Q. I think Sergeant Anderson got the wrong impression from Mr. Common when he





1 understood at this stage these clubs were being  
2 given a chance? Those were his words.

3 A. I suppose that might have been the  
4 practical, common sense approach to the thing.  
5 If they were going to behave themselves,  
6 what else could be done; give them a fair  
7 chance that they actually were behaving  
8 themselves.

9 Q. Were you so naive as to believe  
10 they would behave themselves?

11 A. Well, I think that <sup>if</sup> they were  
12 behaving themselves they should be given  
13 a fair chance.

14 Q. I don't think I have the confidence  
15 in well known gamblers that you seem to have.

16 THE COMMISSIONER: Well, is that  
17 helping me? If you think it is, I will tell  
18 you it is not.

19 MR. BREWIN: Q. I would just point  
20 out that in this letter of July 15th, 1957,  
21 from Anderson to McNeill, Anderson lays  
22 out the position as he sees it here:

23  
24  
25 (reads letter)  
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A. It was his interpretation of his statement to him in this memorandum, and I think it is a reasonable interpretation.

Q. In your statement to the press of July 18, 1957, which you have brought to our attention: You used the expression:

"To clubs carry on -- (reading to words -- effective).

(page 12063 follows



1. It was the intention of the

2. to be in the interest of the

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1 That is your idea?

2 A. That's right.

3 Q. What sort of speed and effective  
4 discipline were you referring to?

5 A. I gave you the details.

6 Q. You are taking the credit for  
7 closing down these clubs?

8 A. I certainly am, some of the  
9 credit.

10 Q. Had you anything to do with the  
11 closing of the Cooksville?

12 A. As a matter of fact, the police  
13 and ourselves and the Provincial Secretary's  
14 Department had a lot to do with the part  
15 that had to do with the application to the  
16 Provincial Secretary, and we were asked  
17 for advice on what seemed to be some crimes  
18 at that time. There was very excellent  
19 work done by the police in many respects  
20 and this was as a result of direction of  
21 senior people including consultations with  
22 the top men in my Department, and occasionally  
23 consultations between Mr. Connon and  
24 myself.

25 Q. I put it to you that the  
26 cancellation of the charter did not close  
27 down the Cooksville Club?

28 A. The cancellation, as far as  
29 the charter was concerned, was on the  
30



There is your letter

I have your letter

I have your letter

I have your letter

I have your letter

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1 3rd of June; recommended on the 30th of May, 1958,  
2 as a result of -- I am sorry, May, 1960, and  
3 the date of the cancellation was within two  
4 or three days of the date of the arrest of  
5 Wright. The investigation with respect to  
6 the cancellation had been proceeding through  
7 the winter months and into the spring.

8 Q. So that this Cookeville club  
9 had been in operation on the date of the  
10 charter, under the charter, from July, 1957,  
11 to the 1st of June, 1960?

12 A. Yes, that was the date.

13 Q. It is a fact?

14 A. It is a fact, yes.

15 Q. Did that seem to you like speedy  
16 and effective action?

17 A. I consider it was as effective  
18 and speedy and as essential, in relation to the  
19 public interest into investigations proceeding  
20 at the time, as was in the honest opinion of  
21 myself and others associated with me, so  
22 to do.

23 Q. Did you receive the police reports  
24 that Sergeant Anderson has told us of, that  
25 there was no change in the operation of  
26 these clubs whatever after the charter was  
27 issued? Did you receive those reports?

28 A. No, I didn't see them personally,  
29 no.  
30





1. I am not a member of the Board of Directors of the  
2. company and I am not a shareholder of the company.  
3. The date of the incorporation was March 1, 1901.  
4. On March 1, 1901, the company was organized.  
5. The company was organized for the purpose of  
6. conducting business and for the purpose of  
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1 Q. Did you know of them?

2 A. I don't think I knew of those par-  
3 ticularly at the time. As a matter of fact,  
4 I thought that the police were carrying out  
5 raids and doing the things they ought to  
6 be doing.

7 Q. I put it to you, and on your  
8 own theory, in July of 1957 you caused  
9 charters to be issued to these clubs in  
10 order to deal effectively with their legal  
11 activities, and I ask you whether you  
12 know that they consistently carried on  
13 the same activities for this same period  
14 of three years?

15 A. I don't know that ---

16 Q. I think Sergeant Anderson told  
17 us of that?

18 A. Sergeant Anderson, in order to  
19 make that effective, would have to tell it  
20 to a court and a court would have to render  
21 a conviction.

22 Q. Looking at these safeguards to  
23 be put in under this charter, first of all,  
24 one of these items in the charter, and I  
25 am referring to the charter of the Frontier  
26 Veterans Association -- I think they all  
27 contain the same provisions, do they?

28 A. That's in Bertie Township.

29 Q. Perhaps I had better look at the  
30



1. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

2. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

3. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

4. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

5. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

6. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

7. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

8. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

9. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

10. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.





1 Cooksville Club. I don't see any change.

2 A. I don't think there's any change.  
3 I think that is a standard provision.

4 Q. These are the provisions that  
5 you thought would enable you to help police  
6 these activities?

7 A. Not thought, but certainly did;  
8 patrol then if they were breaking the law,  
9 and if they were not breaking the law they  
10 could carry on as any other club.

11 Q. One of the provisions was:

12 "That the Corporation is prohibited from  
13 "occupying and using a house, room  
14 "or place as a club which, except for  
15 "the provisions of paragraph (a) of  
16 "subsection (2) of section 168 of the  
17 "Criminal Code (Canada), would be a  
18 "common gaming house within the meaning  
19 "of paragraph (d) of subsection (1)  
20 "of section 168."

21  
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24 (page 12067 follows)



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1           It provides that it may be cancelled if  
2 it is so used.   Didn't it continue to be so  
3 used as a club consistently to your knowledge?

4           A.       I couldn't say personally  
5 except from the records on file here.

6           Q.       You had reports being made to  
7 you frequently?

8           A.       Not very frequently and not to  
9 me personally.

10          Q.       These were the main thorns in  
11 the flesh of the Anti-Gambling Squad, these  
12 very clubs, weren't they?

13          THE COMMISSIONER: Let us assume that  
14 they were.

15          MR. BREWIN: Q. Now, what steps, Mr.  
16 Roberts, did you take to find out whether  
17 or not, after these charters were issued,  
18 they had ceased to carry on a gaming house  
19 as described in the Criminal Code? You  
20 are the one who required or issued these  
21 charters, what steps did you take to  
22 see that the conditions were carried out?

23          A.       I wouldn't take steps at all,  
24 myself, that would be a matter for the  
25 police.

26          Q.       Well ---

27          A.       They could pass your house once  
28 a month, and ---

29          Q.       You haven't given me a charter  
30





Page 09 of 11

— 10 —

*[Faint handwritten text at the bottom of the page]*



1 to operate a common gaming house.

2 A. I don't know myself, or any other  
3 Attorney General, but we do not go out and  
4 carry on investigations and persecutions  
5 of individuals. We wait until there comes  
6 to us charges in the proper manner, and  
7 evidence in the proper manner.

8 Q. Of course, you are going to have  
9 to operate through the police, but did you  
10 take any steps through your staff to find  
11 out whether the condition that you imposed  
12 was being carried out? This condition?

13 A. Well, of course, personally I  
14 didn't. I wouldn't go out and become an  
15 investigator. The police carry out their  
16 work and I think I have outlined that  
17 last Friday night.

18 Q. I want to know whether you took  
19 any steps, effective or otherwise, through  
20 the staff available to you, as the  
21 Attorney General of this province, to see  
22 whether this condition was carried out  
23 or not?

24 A. I left it to the proper officials  
25 to do their job. I don't start out on  
26 investigations on my own.

27 Q. That is the answer?

28 A. I sometimes think that people  
29 think that I am an IBM machine.  
30







1 Q. Another condition was:

2 "and if it is made to appear to the

3 "satisfactory of the Provincial Secretary

4 "that the Corporation purports so to use a

5 "house, room or place, these Letters Patent

6 "may be cancelled by and in the discretion

7 "of the Lieutenant-Governor;"

8  
9  
10 Did you cause any enquiries to be made  
11 as to whether the premises complied with this  
12 condition -- any of these clubs?

13 THE COMMISSIONER: Q. I suppose the  
14 answer is you left it to the police?

15 A. Of course I did.

16 MR. BREWIN: Q. Did you take any  
17 initiative, yourself?

18 A. I didn't. I'm not an inves-  
19 tigator. I am informed, as Attorney General,  
20 from the material brought to me by the  
21 people paid to do these jobs. I don't  
22 think any Attorney General would do it.

23 Q. Mr. Roberts, I suggest to you,  
24 and we can distinguish between you personally  
25 and what you caused to be done, what I am  
26 trying to get from you is that you had taken  
27 a very personal and special initiative in  
28 causing these charters to be issued, and  
29 laid down certain conditions. Having done  
30



Points noted in the examination





1 that, having had these charters issued to the  
2 gamblers, you, through sources available to  
3 you, did you take any special interest to  
4 find out whether the conditions were being  
5 complied with or not?

6 A. I am very satisfied on the record  
7 as to what took place.

8 Q. Did you initiate any proceedings?

9 A. I wouldn't say I initiated,  
10 but I said if matters came to me such as the  
11 question of the police officer being  
12 involved in a conspiracy, and therefore we  
13 were very active and anxious to do everything  
14 possible to deal with the matter in that way.  
15 When enquiries were made by the Commissioner  
16 of the Ontario Provincial Police in  
17 September, October, November, of 1959,  
18 about the fact that this Centre Road Club  
19 was not living up to the requirements of  
20 the charter both with respect to the bolting  
21 and the holding out of people, and also with  
22 respect to the way it was being operated ---

23 Q. You co-operated with Chief McGill?

24 A. I said we co-operated to get  
25 the matter brought before the Deputy  
26 Provincial Secretary.

27 Q. Before the matter was brought  
28 to the attention of Mr. Frost, I think it  
29 was, regarding the operations of this club by  
30





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1 Chief McGill, did you cause any enquiry to be  
2 made?

3 A. Well, I don't say I caused it  
4 but Commissioner Clark made some enquiries  
5 in September. It is in Mr. Clark's  
6 communication which I referred to on Friday.

7 Q. I think that is part of  
8 Exhibit 41. I think my question was we  
9 had evidence that Chief Constable McGill  
10 wrote to Mr. Frost and asked that action be  
11 taken, and I was asking whether any previous  
12 action had been taken by you.

13 A. I think this exhibit outlines  
14 the position. The Commissioner raised the  
15 point and had the thought that there were  
16 certain things going on in the Cookeville  
17 club that merited cancellation of the  
18 charter.

19 Q. Was any action taken?

20 A. That began a series -- Mr.  
21 McGill came into the picture and in September,  
22 I think it was, Miss Hunter wrote an outline  
23 to McGill re ways and means of getting the  
24 situation cleared up that would lead to the  
25 cancellation; and a raid took place on the  
26 10th of October, 1959, following that  
27 discussion; and then subsequent to that Mr.  
28 McGill wrote me a long and somewhat  
29 inaccurate memo to take advantage of the  
30







1 provisions of the Ontario charter, to cancel the  
2 charter, and that was going along jointly with  
3 the Ontario Provincial Police and McGill's  
4 effort; and that was moving along. It hardly  
5 really got going when the Wright situation  
6 broke at the police level, and I notice  
7 that some people accuse us of getting off  
8 the investigation too soon -- I have  
9 explained that -- but the effect of the  
10 matter is to get evidence on an operation  
11 of this club; they were working on it and  
12 ultimately the charter was cancelled, or  
13 practically so, at the time of the arrest  
14 of Wright.

15 Q. Was the Veterans Club closed  
16 down by reason of the action of the police  
17 of Bertie Township?

18 A. No, it was closed by the combined  
19 efforts. In July, 1958, there was a certain --  
20 the last raid was early in July, 1958, and  
21 apparently they didn't carry on or there  
22 may have been a shift, I don't know; but  
23 the next thing that happened was a raid on  
24 the Ramsay Club a few weeks later and charges  
25 were laid.

26 Q. I will put it to you, at the  
27 time of the closing down of the Frontier  
28 Club had did you have anything to do --  
29 at the time of the closing down of the  
30

[illegible]





1 Frontier Club, that had nothing to do with your  
2 issuing the charter?

3 A. That one that went out of operation;  
4 but they still had their charter until such time  
5 there was evidence to cancel the charter.  
6 The charter was cancelled because they failed  
7 to fulfil the requirements of the Act with  
8 relation to filing information. That was  
9 a good thing. I would have been happy to  
10 have them all wind up that way.

11 Q. I did not say that you were  
12 taking credit for all these things, I just  
13 want to find out whether you agree with me  
14 that the documents seem to indicate that the  
15 Bertie Township Police had closed that  
16 down?

17 A. No, it was between the Bertie  
18 Township and the Town Police.

19 Q. Let us go on to the Windsor club.  
20 I take it that was closed by reason of the  
21 two operators, the conviction of the two  
22 operators, Gardner and Finnigan?

23 A. That's right.

24 Q. And in the circumstances we have  
25 discussed had nothing to do with the issue  
26 of charters?

27 A. Except this, the charter was  
28 cancelled very promptly, but whether the  
29 federal charters continued to exist, I  
30



[illegible]



B/3

1 don't know.

2 Q. I put it to you in fairness the  
3 issuance of the charter had nothing whatever  
4 to do with the closing of that club?

5 A. Except they got rid of the federal  
6 charters.

7 Q. The conditions imposed in the  
8 letters patent that they should not be so  
9 operated:

10 "That if it is made to appear to the  
11 "satisfaction of the Provincial Secretary  
12 "that the premises occupied by the  
13 "Corporation are equipped, guarded or  
14 "otherwise constructed or operated  
15 "so as to hinder or prevent lawful access  
16 "to and inspection of such premises by  
17 "police. . ."

18 And so on.

19

20

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10. 11. 1944

1901





1           Wasn't it reported to you from time to  
2 time that the Cocksville club had a steel lined  
3 door, barred windows with vicious dogs inside?

4           A.     That was prior to the Ontario  
5 charter and, as a matter of fact, as I said  
6 on Friday, we had some one from the Fire  
7 Marshal's Office working to try and force  
8 these changes on all three of these clubs  
9 at that time in order to make it more  
10 difficult for them to operate unless they  
11 did comply and, secondly, to make it  
12 easier to gain entry.

13           Q.     These premises were described  
14 by Sergeant Anderson as a fortress.

15           A.     Yes, that's right.

16           Q.     And it was just as much a  
17 fortress after you had given these charters  
18 as it was before?

19           A.     You would have to get evidence  
20 more directly than from myself. I said  
21 the Fire Marshal issued his orders. I  
22 understand there were complaints about the  
23 Fire Marshal's orders issued in the summer  
24 of 1939, and later.

25           Q.     And I will put this to you:

26  
27           That you say you got that condition to make it  
28 hard to operate these clubs; that they should  
29 not be so constructed, guarded or equipped  
30 or operated so as to hinder or prevent lawful  
access to and inspection of such premises by  
the police?



Q. Now, is it correct to say that the

the first time that the machine was used

was, I believe, with the first

A. Yes, that was the first time

operator and, as a matter of fact, as I said

on Friday, we had some one from the

factory who was with us on the

there, I think, on all three of those days

at that time in order to make it

distinct for them to operate unless they

the early and, accordingly, so that it

was in the

Q. These questions were decided

by Herbert Anderson as a foreman.

A. Yes, that is correct.

Q. And it was just as you

stated that you had been with

it at that time?

A. Yes, that is correct.

Q. Now, I think you have said that

the first time that the machine

was used, there were some people

from the factory who were with

of 1933, and then.

A. Yes, that is correct.

Q. Now, I think you have said that

the first time that the machine

was used, there were some people

from the factory who were with

of 1933, and then.





1 I am putting it to you that they continued  
2 to be exactly the same type of fortress  
3 operation, vicious dogs, steel doors and all  
4 the rest of it, after as before the issue  
5 of the charter?

6 A. Well, you may put it to me, but  
7 I don't know except to the extent that  
8 Commissioner Clark and McGill made their  
9 different recommendations, and I take it  
10 at that time, in the latter part of 1959,  
11 that they must have done something to  
12 ascertain that.

13 Q. I suggest to you that was all  
14 after July, 1959?

15 A. You can suggest anything you  
16 like.

17 Q. Didn't Anderson report that  
18 to you? He said they continued as they had  
19 before. I think perhaps you might have  
20 known it, didn't you, in your report?

21 A. I didn't get them personally, no.  
22 You don't think I read all the reports.

23 Q. I put it to you once again that  
24 you had imposed conditions on certain known  
25 gambling operations and you did not find  
26 out or cause to be found out whether those  
27 conditions were complied with or not?

28 A. I think the police did.

29 Q. I am talking about you.  
30







1 A. Well, I am talking about the police.

2 THE COMMISSIONER: <sup>He</sup> Had no personal  
3 knowledge as to whether they discontinued the  
4 practices or not.

5 Q. You left that to the police?  
6 Have I summarized your evidence?

7 A. Yes.

8 MR. BREWIN: Q. When you left it to the  
9 police did you ask for any reports on that  
10 matter?

11 A. I know what was going on from  
12 time to time, obviously. I knew that the  
13 Ramsay Club was charged and the trial took  
14 place; and I knew that the Centre Road Club  
15 became active in 1959, again, and also, as  
16 a result of the investigation, that it was  
17 a matter of time before that would be  
18 finished; and some people thought it was  
19 finished too soon. In my opinion, it was  
20 not finished too soon at all.

21 Q. Mr. Roberts, another aspect of  
22 this matter before you initiated this policy  
23 of issuing the charters to these clubs,  
24 did you not consult with any of your  
25 police advisers as to what the effect was  
26 of issuing the charter?

27 A. I wouldn't say I directly con-  
28 sulted them, but we had discussions with the  
29 police about the problems that were coming  
30



Q. Now, I am going to ask you to look at the

photograph of the person who was with you

on the night of the murder, and tell me if you

recognize him.

A. Yes, I recognize him.

Q. Now, I am going to ask you to look at the

photograph of the person who was with you

on the night of the murder, and tell me if you

recognize him.

A. Yes.

Q. Now, I am going to ask you to look at the

photograph of the person who was with you

on the night of the murder, and tell me if you

recognize him.

A. Yes, I recognize him.

Q. Now, I am going to ask you to look at the

photograph of the person who was with you

on the night of the murder, and tell me if you

recognize him.

A. Yes, I recognize him.

Q. Now, I am going to ask you to look at the

photograph of the person who was with you

on the night of the murder, and tell me if you

recognize him.

A. Yes, I recognize him.

Q. Now, I am going to ask you to look at the

photograph of the person who was with you

on the night of the murder, and tell me if you

recognize him.

A. Yes, I recognize him.





1 on up to that time, and they were not explicit  
2 enough. Mr. Conson called in the police  
3 officers and discussed the matter with them.  
4 This was approximately a week before finalizing  
5 took place. In the report of the director  
6 there was nothing said by the police, not  
7 that I know of, that indicates they did not  
8 agree with it.

9 Q. We have had some evidence here  
10 that there was feeling in the Anti-Gambling  
11 Squad that the morale had been adversely  
12 affected by the issuing of these charters.

13 A. I didn't know anything about  
14 that until this Commission was taking  
15 evidence; but that was the middle of summer.  
16 I didn't know any of the complete circum-  
17 stances as far as I was concerned. It was  
18 too bad, perhaps, that relationships at  
19 that point fell down, but that was the  
20 middle of summer. And I thought I had  
21 done everything possible.

22  
23 (Page 12085 follows)  
24  
25  
26  
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C/1/FAL

1 MR. BREWIN: Q. It did not occur  
2 to you, then, apparently, that the issuing of  
3 these charters to these three gambling operations  
4 might be understood and adversely affect the  
5 morale of the police? It did not occur to you,  
6 apparently?

7 A. It did not occur to me at all.  
8 As a matter of fact, I thought it was a very  
9 good thing and <sup>I would have</sup> thought anyone who understood  
10 the situation would agree with me; but it is  
11 obvious some do not.

12 Q. Mr. Roberts, have you thought it  
13 part of your duties to inquire into the extent  
14 of organized gambling in other parts of this  
15 continent?

16 A. No. I am not a member of Inter-  
17 pol; I am not at the Federal level. I am a  
18 Provincial Attorney-General and I find, as a  
19 matter of fact, that my job as Attorney-General  
20 of this Province is pretty -- I asked Mr.  
21 Norton to do a certain job, and that is on  
22 file here; and to that extent we looked into  
23 the situation of the law more than anything  
24 else.

25 Q. You as the chief law enforcement  
26 officer, have you tried to read about and study  
27 the nature of organized gambling --  
28

29 THE COMMISSIONER: Organized what?

30 MR. BREWIN: Organized gambling in other





100-100000

MR. WATKINS: It did not occur.

It was not, incidentally, that the Bureau of

Investigation is not a law-enforcing agency.

It is a law-enforcing agency, and it is not a law-enforcing agency.

It is a law-enforcing agency. It did not occur again.

Incidentally,

it was not a law-enforcing agency.

As a matter of fact, I thought it was a law-enforcing agency.

I would have

thought it was a law-enforcing agency.

It was not a law-enforcing agency, but it is a law-enforcing agency.

It was not a law-enforcing agency.

MR. WATKINS: Have you thought of

part of your duty to inquire into the nature

of organized gambling in other parts of the

country?

MR. WATKINS: I am not a law-enforcing agency.

Yes; I am not a law-enforcing agency. I am a

law-enforcing agency, and I find, as a

matter of fact, that my job as a law-enforcing agency

of this Bureau is pretty -- I called Mr.

Wotton to do a certain job, and that is on

the basis of the fact that we looked into

the situation of the law more than anything

else.

MR. WATKINS: You are the only law-enforcing

agency, have you tried to find more and more

the nature of organized gambling --

the situation of organized gambling --

MR. WATKINS: Organized gambling in other



1 parts of this continent.

2 Q. Have you read about it, studied  
3 it?

4 A. I have an idea I know a little  
5 more about it than you do.

6 THE COMMISSIONER: Q. Have you read  
7 about the question?

8 A. I have kept myself informed.

9 MR. BREWIN: Q. You would have acted  
10 differently to me.

11 A. Reasonably informed of the situation  
12 as it is reported by people who do not know very  
13 much about it and others who do. And in  
14 this Province, as I have said Friday, I am  
15 convinced, and I am convinced today, that our  
16 police forces by and large across the Province  
17 are doing their job thoroughly. Not as well  
18 as they could, perhaps, but thoroughly. And  
19 if there was any type of, more or less, organized  
20 crime operating in our large centres in Ontario  
21 it would be known to the law enforcement  
22 authorities and they would be and are coping  
23 with it to the best of their ability. There  
24 is a certain term of reference relevant to  
25 the subject. I did all I could, or I think  
26 I did all I could from time to time to find  
27 out the state of affairs by communications  
28 I made with the different bodies I mentioned  
29 here last Friday. Then --  
30



for 1910, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854,

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1 Q. Incidentally, Mr. Roberts, it  
2 was you, again, who took the decision that  
3 the undercover investigation of Scott would  
4 be put an end to by the arrest of Wright?  
5 I thought you told us that it was your decision  
6 in substance? That is true?

7 A. Yes. Early in May I felt  
8 definitely --

9 Q. Now, now. In substance that is  
10 the fact? You have explained in your opinion  
11 Wright should not be going around in an O.P.P.  
12 uniform and Scott inducing him to do illegal  
13 acts and you said the time had arrived when  
14 he should be arrested. And, of course, the  
15 arrest put to an end the undercover investigation.  
16 Did you give serious consideration whether  
17 a continuation of that, in itself, would  
18 bring a fuller picture of the penetration of  
19 organized gambling in this Province?  
20

21 A. I gave my reasons and the record  
22 seems to be clear: These three men are in jail  
23 as a result of charges laid in that fall.

24 Q. It was a matter of your judgment  
25 that brought the investigation to an end, or  
26 carried out on this particular undercover?

27 A. You are directing your question  
28 to that investigation?

29 THE COMMISSIONER: Just a minute. That  
30 is not what he is stating at all. He said the



Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.

Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.

Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

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be put on and so by the arrest of the subject?

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Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.

Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.

Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.

Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.

Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.

Q. Now, you say that the investigation of these would

be put on and so by the arrest of the subject?

A. Yes, that is what I told you.





1 circumstances impelled him to do that. Wright  
2 was arrested and the arrest of Wright,  
3 naturally, brought to an end the undercover  
4 investigation.

5 Q. That is, in substance, what you  
6 said?

7 A. Yes.

8 THE COMMISSIONER: You interpret that to  
9 mean that he had reached the conclusion the  
10 undercover investigation would not disclose  
11 something else. It might have. But, this  
12 particular undercover investigation ended  
13 because of the witness's conclusion that the  
14 time had arrived that Wright ought to be  
15 arrested.

16 MR. BREWIN: Yes.

17 Q. And you arrived at that decision  
18 because you were unhappy about the fact a man  
19 in uniform was continuing to commit, and in  
20 fact did commit, a criminal offence?

21 A. That is one reason.

22 Q. And the fact the investigation  
23 might have extended further and discovered more  
24 was not in your mind a compelling reason for  
25 continuing?

26 A. Well, of course, I was advised  
27 at the time of what was going on and what was  
28 carrying on. It was very confidently expected,  
29 too, three people would be involved in charges,  
30





Investigation of the case by the FBI, which

was conducted and the result of which,

namely, was that in the investigation

investigation.

Q. Now, in the investigation, what was

the

A. Yes.

THE COMMISSION: You indicated that so

far as the FBI is concerned the investigation was

conducted by the FBI and the result was that

nothing was found. It seems to me, this

particular investigation was conducted

by the FBI and the result was that the

case had arrived that which ought to be

settled.

Q. Now, yes.

A. And I suppose at that time

because you were saying that you had a man

in relation to conducting to commit, and in

that the result, a witness statement

A. That is the reason.

Q. And the fact the investigation

might have extended further and discovered some

was not in your mind a compelling reason for

investigation

A. Well, in the investigation, I was saying

at the time of what was going on and what was

happening. It was not definitely settled.

So, these people would be involved in the case.



1 and I had no doubt in my mind that that would  
2 be the case. Sometimes it takes time to  
3 work out the last move before the actual  
4 laying of the charge; but that does not mean  
5 anyone is necessarily holding back. I like  
6 to get things done quickly and I am impatient  
7 at times because of delays.

8 THE COMMISSIONER: Keep your answers  
9 precise.

10 MR. BREWIN: Q. You are referring to  
11 usual procedure. Do you do that, sir?

12 THE COMMISSIONER: It is repeating that  
13 usual procedure, to make the comment you just  
14 made.

15 Any questions, Mr. MacKinnon?

16 I take it, Mr. MacKinnon, you are not  
17 going to traverse the same ground as Mr. Brewin?

18 MR. MacKINNON: No, but in part I propose  
19 to in dealing with these charters. I trust  
20 I will not repeat.

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1 EXAMINED BY MR. MACKINNON:

2  
3 Q. Now, did I understand you to  
4 state that the question of issuing Provincial  
5 charters was discussed in the Cabinet? Was  
6 that your evidence on Friday?

7 A. I said that I attended a Cabinet  
8 meeting on the 27th of June and one on the 18th  
9 of July and that the proposed action and the  
10 action was discussed. I have nothing more to  
11 say with respect to what might or might not  
12 have taken place in Cabinet. I am sworn to  
13 secrecy.

14 Q. I am not raising any argument.  
15 This was your evidence. Apparently you felt  
16 it was relevant because you said it. Can I,  
17 then, assume it was discussed on June the 27th?

18 THE COMMISSIONER: What is the purpose  
19 of that?

20 THE WITNESS: I have no comments about --

21 MR. MACKINNON: Because Mr. Cudney said  
22 his Minister did not know anything about it  
23 and Mr. Frost swore before this Commission he  
24 did not know anything about it. I just  
25 wondered if his statement, that it was raised  
26 and discussed in the Cabinet on these two  
27 dates, really referred to these two dates or  
28 is he restricting himself to July the 18th.  
29 I am interested in June 27.

30 THE COMMISSIONER: Whether it was or was



STATE OF NEW YORK

Q. Now, did I understand you to

mean that the members of the House of Representatives

should not be allowed to discuss the subject?

That was my understanding at the time.

A. I said that I attended a meeting

held at the City of New York on the 15th

of July and that the proposed action and the

action was discussed. I have recalled more to

my mind respect to what might or might not

have been done in regard to it. I do not know

any more.

Q. I am not making any statement.

That was your statement. I am not making any statement.

It was your statement that you said it was

done. I am not making any statement. It was your statement

that you said it was done. I am not making any statement.

Q. Now,

THE CHAIRMAN: I have no comments about --

MR. MILLER: I am not making any statement.

His statement did not mean anything about it.

and Mr. Frost swore before this Commission he

did not know anything about it. I just

wondered if his statement, that it was raised

and discussed in the Cabinet on those two

dates, really referred to those two dates or

is he restricting himself to July the 15th.

I am interested in June 27.

THE CHAIRMAN: Now, it was of the





1 not discussed in Cabinet, what relevance has  
2 that?

3 MR. MACKINNON: To test the story given  
4 to us by Mr. Cudney, that the charters should be  
5 issued and that Herman would be coming over  
6 with the applications, which as I understood  
7 the evidence was some time around the first  
8 of July. He said at that time his Minister  
9 knew nothing about it.

10 THE COMMISSIONER: Supposing his Minister  
11 knew nothing about it?

12 MR. MACKINNON: Q. Mr. Dunbar was  
13 the Provincial Secretary at that time?

14 A. Yes.

15 Q. When did you first speak to him  
16 about this matter?

17 A. Mr. Dunbar knew about the process  
18 between the 25th June and early in July.

19 Q. Isn't it a fact you advised Mr.  
20 Cudney this is what was going to be done before  
21 Mr. Dunbar knew anything about it?

22 A. I can't say whether it was before  
23 or after I discussed the matter with Mr. Dunbar  
24 personally.

25 Q. I am not questioning that, witness. Had  
26 you not come to your conclusion prior to  
27 discussing it with anyone?

28 A. Oh, I had come to my conclusion  
29 this would be the right thing to do, providing  
30





not discussed in business, when returned from

1934

MR. WASHINGTON: To keep the story given

right by Mr. Galt, that the marriage should be

inserted and that Galt would be looking over

with the application, which is I understand

the evidence and some time around the time

of July. He said at that time his statement

was written about 1934.

THE WASHINGTON: Regarding the statement

was written about 1934

MR. WASHINGTON: Q. Mr. Galt, when was

the Provincial Secretary at that time

A. Yes.

Q. When did you later speak to him

about this matter?

A. Mr. Galt was with me between

between the 25th June and early in July.

Q. Isn't it a fact you advised Mr.

Galt that he was not going to be a witness?

MR. WASHINGTON: Now anything more?

A. I can't say whether it was before

or after I discussed the matter with Mr. Galt.

personally.

Q. I am not questioning that, witness. Had

you not come to your conclusion prior to

discussing it with Galt?

A. Oh, I had come to my conclusion

this point in the right mind in my testimony



1 the Provincial Secretary was prepared to do it;  
2 of course, I had.

3 THE COMMISSIONER: Q. I do not think  
4 that is helping us. I think he wanted to  
5 ascertain whether or not, before you definitely  
6 reached the conclusion that the charters should  
7 be granted to these people --

8 Have you heard what I was saying, Mr.  
9 MacKinnon?

10 MR. MacKINNON: I am sorry, my lord, I  
11 lost the volume of Mr. Cudney's evidence.

12 THE COMMISSIONER: What I understood  
13 you are probing at the moment is this: Prior  
14 to the decision of Mr. Roberts, as Attorney-  
15 General, that these charters should be granted,  
16 had you discussed the matter with Mr. Dunbar?

17 MR. MacKINNON: That is right.

18 THE COMMISSIONER: Q. Now, had you?

19 A. Of course, I must have because,  
20 after all, the decision to grant them must have  
21 been his decision, not my decision, because he  
22 did the granting.

23 MR. MacKINNON: Q. May I read Mr. Cudney's  
24 evidence --

25 A. Let me hear Mr. Cudney's evidence.

26 THE COMMISSIONER: Q. No. Let me review  
27 it again: Mr. MacKinnon wants to know, and  
28 I would like to know, too, before ~~xxxx~~ you,  
29 yourself, as Attorney-General, decided the proper  
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the Provincial Secretary was prepared to do it:

of course, I had.

THE CHAIRMAN: Q. I do not think

there is anything on. I think he wanted to

investigate whether or not, under the existing

law, the evidence that was available would

be sufficient to prove guilt.

Have you heard what I was saying, Mr.

Chairman?

MR. JACKSON: I am sorry, my lord, I

lost the volume of Mr. Cudney's evidence.

THE CHAIRMAN: Well, I understand

you are probing at the moment in this trial

to the decision of Mr. Roberts, an Attorney-

General, that some evidence should be given,

and you discussed the matter with Mr. Jackson?

MR. JACKSON: That is right.

THE CHAIRMAN: Q. Now, was your

A. Of course, I have been aware,

after all, the decision to grant them that have

been the subject of my decision, because he

did the granting.

MR. JACKSON: Q. Now, I want to know

evidence --

A. I understand Mr. Roberts's evidence.

THE CHAIRMAN: Q. Now, let me review

in regard to the evidence that is now, and

I would like to know, too, before this you,

yourself, as Attorney-General, decided the proper





1 course would be to issue Provincial charters  
2 in order to bring these three clubs under the  
3 jurisdiction of the Provincial charter rather  
4 than the Federal, had you discussed the matter  
5 with Mr. Dunbar?

6 A. I think the answer to that would  
7 be no; that I had for some considerable time  
8 felt this would be a good thing to do but, as  
9 there was no sign of anybody agreeing to it,  
10 I discussed it with him as a hypothetical  
11 question; but I did tell Mr. Dunbar what I  
12 thought was the right thing to do and he  
13 acquiesced in it quite readily.

14 Q. The order of events was this, then,  
15 as I understand you, that you made the decision  
16 that the proper course to follow was to have  
17 Provincial charters issued. You, then,  
18 conveyed that opinion to Mr. Dunbar, the  
19 Provincial Secretary, and he concurred?

20 A. That is right, sir, and I conveyed  
21 it at that interview with Mr. Herman.

22 MR. MACKINNON: Q. Let me read you  
23 Mr. Cudney's evidence at 1133, line 14 -- 13:

24 "Q. The next note I have of  
25 "what you have said of this con-  
26 "versation is that Mr. Roberts  
27 "intimated the decision had been  
28 "made. Do you recall telling us  
29 "that in chief?







1 "A. Yes, he said that it had  
2 "been decided, yes. It had been  
3 "decided --

4 "Q. What had been decided?

5 "THE COMMISSIONER: Let him finish.

6 "A. To issue the charters.

7 "MR. BREWIN: Q. Had been decided  
8 "to issue the charters?

9 "A. Yes.

10 "Q. In other words, it had been  
11 "decided before any application had  
12 "been received and before your  
13 "Department had considered the matter  
14 "at all?

15 "A. Yes.

16 "Q. The decision had been made?

17 "A. Yes.

18 "Q. There was an air of finality,  
19 "I gather, about it in the conversation?

20 "A. Yes."

21 He is reciting the first conversation he  
22 had with you. Is that a true report of your  
23 conversation?

24 A. I would say that Mr. Cudney was,  
25 in my view, a very experienced civil servant,  
26 a deputy minister, and he was -- would have to  
27 look after the routine of it but he had to  
28 talk it over with his Minister and, obviously,  
29 anything I said to him was with the background  
30







1 that his Minister would be in favour of it.

2 Q. You assumed that?

3 A. I don't know whether I assumed  
4 it or whether I talked to him first and then  
5 talked to Mr. Gudney. There was never any  
6 doubt once I discussed it with Mr. Dunbar that  
7 he agreed and that it was a good idea.

8 Q. You never requested or sought the  
9 assistance or advice of Mr. Gudney on this  
10 matter?

11 A. Well, Mr. MacKinnon ---

12 THE COMMISSIONER: Q.No, no.

13 A. I would have to persuade them, of  
14 course. If he thought it was not the right  
15 to do  
16 thing, he would tell his Minister. It would  
17 not be the first time I have had some other  
18 Department go contrary to what I said.

19 MR. MacKINNON: Q. You also directed he  
20 was not to ask for a police report on these  
21 people behind these clubs.

22 A. I don't recall any statement to  
23 that effect but it is obvious to me both Mr.  
24 Gudney and myself would understand that when  
25 the club is suspect we would not be determining  
26 the matter on a police report.

27 Q. Mr. Gudney said that if he had  
28 known what was in this police report, Exhibit 9,  
29 he would not have gone along with granting  
30 the charters.



17. The number of ways in which 1000 can be written as the sum of 10 or more natural numbers is

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It is whether I wanted to die or whether I wanted to live

1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 2684-2685, 2686-2687, 2688-2689, 2690-2691, 2692-2693, 2694-2695, 2696-2697, 2698-2699, 2700-2701, 2702-2703, 2704-2705, 2706-2707, 2708-2709, 2710-2711, 27

...and from a new St. Paul has been an

and refused to be interviewed by me. b6 b7C

about no more, all to serve to sustain:

to assist others in need of help \$

10/28/2017 10:00 AM 11/1/2017 10:00 AM 11/1/2017 10:00 AM 11/1/2017 10:00 AM

...no word will be given on this

My life was not over I still could not be now

1. I have a question on the first page.

and the other two are the same as in the first case.

1940-1941

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the proposed changes to the law of the United Kingdom regarding the treatment of the British Commonwealth of Nations.

Journal of Health Politics, Policy and Law

no time is enough we will be to the point of

• IT DOES NOT HAVE A NO. 100,000,000

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1 A. Well, I am surprised to hear him  
2 say that.

3 Q. He said that in the box.

4 A. Because he --

5 THE COMMISSIONER: He said that.

6 MR. MACKINNON: Q. I take it you agree  
7 that somebody --

8 A. May I just interject this? I am  
9 quite certain Mr. Gudney at some point along  
10 the line indicated he thought it was a good  
11 idea. I am sure that is in the evidence some-  
12 where; after having heard what the purposes  
13 were and what the objects were, that it was  
14 a good idea. He certainly told me personally  
15 on several occasions he thought it was a good  
16 idea.

17 MR. WILSON: I think at 1138 and 9 you  
18 will see what Mr. Gudney has to say on that  
19 point. He said at first blush he did not  
20 think it was proper and, then, he thought it  
21 over. It is 1138 and it jumps to 1151.

22 MR. MACKINNON: Q. Do I take it you  
23 agree with Mr. Brewin, that so far as the closing  
24 down of these three clubs, the granting of  
25 Provincial charters had nothing to do with it?

26 A. I don't think I agreed with Mr.  
27 Brewin wholeheartedly on any question he gave  
28 me. I gave my answers and I adopt my answers  
29 that I gave him to you now.  
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A. Well, I am surprised to hear that

any one.

A. He said that he had

known him

the gentleman he said was

Mr. Macdonald. I know it was some

time ago.

A. Yes I have known him. I am

quite sure Mr. Macdonald was being

the line indicated he thought it was a good

idea. I am sure that in the evidence some-

times after some time had passed

and that the witness was, that it was

a good idea. He certainly said he personally

was not sure he was in the right

time.

Mr. Wilson: I think it is 11.30 and 12.00

will see that Mr. Macdonald has to say on that

point. He said at first that he did not

think it was proper and then, he thought it

over. It is 11.30 and it goes to 11.45.

Mr. Macdonald: O. No I think it was

agreed with Mr. Macdonald, that he has no objection

some of these things about the question of

proceedings there was nothing to do with it

A. I don't think I agreed with Mr.

Macdonald. I am sure he was in the right

and I am sure he was in the right

and I have said to you now.





1 THE COMMISSIONER: Q. The granting of  
2 Provincial charters did not result in the  
3 final closing of the clubs; it was the can-  
4 cellation of the charters.

5 A. Yes, that wiped them off the map.

6 MR. MACKINNON: I want to come to that,  
7 if that is the view.

8 THE COMMISSIONER: Suppose we have a  
9 ten-minute recess?

10 MR. MACKINNON: Yes.

11  
12 ---Recess from 11:35 to 11:50 o'clock a.m.

13 MR. MACKINNON: Just so you will have  
14 the reverse, where Mr. Cudney said he would  
15 have advised against issuing the charters if  
16 he had known the nature --

17 THE COMMISSIONER: 1133?

18 MR. MACKINNON: 1130, line 17, and  
19 following.

20 Q. You mentioned in your evidence on  
21 Friday this Exhibit 75, which is a report by  
22 the Commissioner of Police dated June 5 --

23 A. I wonder, before you leave that,  
24 you gave a reference to his lordship with  
25 regard to Mr. Cudney. Would you tune me in on  
26 it, please?

27 Q. I will read it to you:

28 "Q. And I put it to you, Mr.

29 "Cudney, if this information about  
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THE CHAIRMAN: I am assuming that  
provisional character did not result in the  
final closing of the study; it was the con-  
sideration of the situation.

A. Yes, that would have been the case.  
MR. BUCHANAN: I want to come to the  
point in the view.

THE CHAIRMAN: Suppose we have a  
discussion of the  
MR. BUCHANAN: Yes.

—from the fact of this situation.

MR. BUCHANAN: That is what will have  
the effect, and the effect will be to  
have a system of control which will be  
the best known the system --

THE CHAIRMAN: All right.  
MR. BUCHANAN: Yes, that is the

Following  
2. The question is that whether or  
not the system is a system in  
the system, it is a system in the  
system, and the system is a system.

you have a reference to his famous plan  
regard to the system. Would you like me to

the plan  
C. I will read it to you.  
"C. And I put it to you, Mr."

Subject of this discussion



1 "this man Demore, had been known  
2 "to you and you had been asked  
3 "for advice you would have advised,  
4 "surely, against issuing a charter  
5 "to a social club to such an  
6 "individual?

7 "A. Yes, undoubtedly."

8 A. Yes, putting it in the abstract;  
9 but Mr. Cudney has very clearly indicated before  
10 this Commission, and to me personally, that  
11 knowing the situation as it is outlined to  
12 him he is wholly in accord with it and at  
13 the time the issue took place he was wholly  
14 in accord with it and so advised his Minister.

15 Q. Did you ask Mr. Herman what  
16 individuals he was representing at any time?

17 A. No. He came up representing  
18 clubs. I think there was a list of 1400  
19 members of one of these clubs. Perhaps you  
20 are interested in that, and Mr. Wintermeyer  
21 was at one time.

22 Q. I will be coming to that. On  
23 December 22, 1961. Quite apart from that,  
24 I am asking you whether you had any discussion  
25 or asked any question of this solicitor as to  
26 what individuals he was appearing for?

27 A. No, I didn't. He was representing  
28 clubs who were entities, as far as I was  
29 concerned.  
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"Will you please, Mr. [Name],

"to you and you had been asked

"for advice you would have advised

"him, wouldn't you, having a sense

"of a social duty to him?"

"Certainly."

"A. Yes, undoubtedly."

A. Yes, putting it in the context;

and Mr. [Name] was simply indicated before

and indicated, and he was generally, that

knowing the situation as it is outlined to

him he is really in a good deal of a

position, and I think that is the

position which is really his position.

Q. Did you say Mr. [Name] was

indicated he was representing at any time?

A. Yes, I think so.

Q. I think there was a list of 1935

members of one of these clubs. Perhaps you

are referring to that, Mr. [Name]?

Yes, Mr. [Name].

Q. I will be coming to that, Mr.

[Name], this part of the

I am asking you whether you had any discussion

or heard any mention of this collection as to

some individuals he was appearing for?

A. No, I didn't. He was representing

clubs who were entitled, as far as I was

concerned.





1 Q. I return to Exhibit 75, which is  
2 this report of June 5, 1957, a memorandum to  
3 the Deputy Attorney-General.

4 THE COMMISSIONER: May I have Exhibit 75?

5 MR. MacKINNON: I have it, sir.

6 THE COMMISSIONER: Very well.

7 MR. MacKINNON: Dated June 5, 1957, being  
8 a report on the gambling activities of these  
9 three clubs. You made reference to it in your  
10 evidence so you are aware of it.

11 A. The question of when I was aware  
12 of it might be relevant.

13 Q. In this document it reports --

14 A. I would like to make this general  
15 statement --

16 Q. Oh, please.

17 THE COMMISSIONER: Q. Just a moment.

18 A. He has made a statement I was  
19 aware of it but I wouldn't be aware of a  
20 great many of these records normally as a  
21 matter of course.

22 MR. MacKINNON: Q. This was a very special  
23 report.

24 A. May I see it, then, and then I  
25 can talk a little more intelligently about it.

26 Oh, I fancy at some stage after that  
27 date there would be some reference to me about  
28 this question of police making investigations  
29 every night, and that sort of thing. To that  
30



Q. I would like to ask you, when is  
this report of May 2, 1957, a statement in  
the report attached hereto.  
THE COMMISSIONER: Yes, I am aware of the  
fact. I have it, sir.  
THE COMMISSIONER: Very well.  
MR. BARKER: I have June 2, 1957, being  
a report on the gambling activities of these  
three states. The same reference is in the  
report as you are aware of it.  
A. The question of when I was aware  
of it might be relevant.  
Q. In this document is signed --  
A. I would like to see this document  
statement --  
THE COMMISSIONER: Yes, please.  
THE COMMISSIONER: Q. Just a moment.  
A. He has made a statement I was  
aware of it but I wouldn't be aware of a  
great many of these records normally as a  
matter of course.  
MR. BARKER: All right, now I want to ask  
you, I am 17, 18, 19, and 20, and  
and this is a little more intelligently about it.  
Q. I don't see any stage other than  
that there would be some reference to the state  
this question of police records investigation  
every night, and that sort of thing. To that





1 extent I would know the contents.

2 Q. Isn't it a fact, that two of the  
3 three clubs were, in fact, out of business in  
4 June, 1957, according to this report, the  
5 Roseland Club and the Frontier Club?

6 A. It might have been at that  
7 particular date but I don't know from personal  
8 knowledge.

9 Q. It says so. It says from April  
10 27, 1957 there has been no activities in the  
11 Roseland Club.

12 A. There were lots of activities  
13 after that; sufficient activities to get a  
14 conviction.

15 Q. Very certainly, there I agree with  
16 you 100 per cent. But, I am saying that  
17 what happened was that the Bertie Township  
18 police and the O.P.P. raided the Frontier  
19 Veterans Club in the first six months of 1958  
20 and by virtue of those raids they put the club  
21 out of business.

22 A. For the moment.

23 Q. It is out of business to this date.

24 A. I am not going to get into  
25 arguments about what they may have done. The  
26 fact is they did a job, between the Bertie  
27 Township police and the O.P.P. and they  
28 managed in that particular situation to dissuade  
29 these people by their actions from carrying on  
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Q. Now I would like to ask you another question.

A. Yes, it is a fact, that two of the

three clubs were, in fact, out of business in

May, 1937, according to the records, the

business files and the Federal files.

Q. Is there any other fact that

you would like to mention in connection with this

matter?

A. Yes, sir, I would like to mention

that, that there has been no activity in the

business since.

Q. Now, when you say no activity

attempts, activities, anything in fact?

activity.

Q. Very definitely, would I say that

you had no more? Now, I am saying that

you stopped and that the Justice Department

closed the case, is that correct?

Q. Yes, sir, in the fact and according to the

and up to the time when they had the club

out of business.

A. For the moment.

Q. It is out of business at this date.

A. I am not going to get into

the details of the case, but I will say that

there is now a job, between the Justice

Department and the C.P. and they

are in the process of making an attempt to

show people by their actions that they are



1 and the charter still existed.

2 Q. A charter cannot exist apart from  
3 individuals?

4 A. I don't know anything about that.  
5 But, I mean, the charters, with the individuals,  
6 still stood, it could stay, up until the time  
7 there was a legal cancellation of the Federal  
8 licence, the interest in relation to the  
9 new club.

10 Q. Do you say there is something  
11 more in evidence apart from Exhibit 98, which  
12 states this is the report on the raids, and  
13 states on July 2nd, 1958, the club closed?

14 A. That is right.

15 Q. Have you any evidence to show it  
16 re-opened on these premises?

17 A. All I am saying is: Had there  
18 been an existence a charter under which it had  
19 been operating before it could well have re-  
20 opened, say, a week or two weeks later or at  
21 any particular time, but that particular  
22 Federal charter, we disposed of these three  
23 Federal charters and that, to my way of  
24 thinking, was a very good piece of business  
25 with relation to one of the most difficult  
26 jobs the police have had to contend with in  
27 the Province of Ontario.

28 c/  
29 Q. Is it not true the body who  
30 issues these charters or licences is the



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and the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

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Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.

A. I don't know what the evidence will show.

Q. Now, I don't know what the evidence will show.





1 headquarters of the Army, Navy and Air Force  
2 Veterans in Canada? Isn't that right?

3 A. Yes.

4 Q. Before you issued these new charters  
5 in 1957 did you make any attempt to approach  
6 the head office, in June of 1957, the head  
7 office of this association, and ask them  
8 what they were doing about these charters?

9 A. No, but we had had dealings  
10 with them over the years, both Mr. Magone  
11 before my time and while I was there, and  
12 we were convinced we would get no help.  
13 They would say they looked into this and,  
14 then, report back the clubs, as a result  
15 of their investigations, were being run in  
16 a perfectly proper manner.

17 Q. The only evidence we have of it  
18 is in March, 1955. Have you any more  
19 recent information?

20 A. No. That was one, the president  
21 of the organization -- I am trying to think  
22 of his name.

23 THE COMMISSIONER: MacNamara?

24 A. MacNamara is one but there was  
25 another.

26 MR. WILSON: McGivern?

27 THE WITNESS: McGivern. He lived in  
28 Vancouver. He came down and purposed to  
29 make an investigation and gave them a clean  
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1 bill of health.

2 MR. MACKINNON: Q. That was when, 1955?

3 A. Whenever it happened. Later,  
4 Mr. MacNamara claimed very definitely, and  
5 there is correspondence on it, that they  
6 carried on perfectly and were legitimate clubs  
7 and that the Granite Club, we might as well  
8 be raiding the Granite Club. And that is  
9 the attitude they took.

10 Q. What correspondence is this?  
11 I wonder if you have it.

12 A. Correspondence that is on file  
13 here.

14 Q. There is none on file here.

15 A. In relation to that letter Mr.  
16 Herman wrote, armed with a bunch of wires, and  
17 so forth. MacNamara is in that picture, in  
18 that relationship, in my recollection.

19 THE COMMISSIONER: He gave evidence,  
20 did he not, on the application?

21 MR. WILSON: We have it. He is a  
22 witness before the hearing before the Deputy  
23 Provincial Secretary. We also have a  
24 reference to him in the speech by Mr.  
25 Wintermeyer at page 197, where he said his  
26 evidence was fantastic before the Deputy  
27 Provincial Secretary.

28 MR. MACKINNON: We have not had an  
29 opportunity of seeing Mr. MacNamara here,  
30







1 although that is one witness I had requested.

2 MR. WILSON: Surely we do not have to  
3 have any evidence from Mr. MacNamara about  
4 what a simon pure league these three clubs  
5 were operating in.

6 THE WITNESS: I answered the question  
7 by saying I was satisfied we would get no  
8 co-operation in that direction from the  
9 enquiries I myself made in this and what I  
10 learned from Mr. Magone, who was the Deputy  
11 for some years prior to my taking office.

12 MR. MacKINNON: Q. Were you aware at this  
13 time these gamblers were in fear of losing  
14 their federal licence from their head office?

15 A. I was not, and I don't fancy  
16 there was very much fear.

17 Q. Let me read Mr. Gardner's evidence.

18 A. I am sure you are going to  
19 approbate.

20 Q. Page 1991:

21 "Q. All right; so this was to make  
22 "sure that you had a bird in the hand,  
23 "namely, a provincial charter?

24 "A. I am going to answer that  
25 "question by saying we wanted to  
26 "stay in business.

27 "Q. And this was the way you were  
28 "going to do it, get the provincial  
29 "charter and stay in business?  
30







1 "A. I would say that is practically  
2 "right."

3 A. I have no knowledge and I have  
4 heard no evidence given here by anybody that  
5 indicated there was any such action pending  
6 at the Ottawa level or anywhere else, and  
7 I certainly knew nothing about it.

8 Q. You made no investigation to find  
9 out whether there was such action pending?

10 A. I knew of no such action and  
11 know nothing now of anything to suggest  
12 that.

13 Q. Does it surprise you that they  
14 were willing to give up their federal  
15 agreement and take your control?

16 A. It doesn't surprise me in view  
17 of what <sup>had</sup> gone over the period of time. It  
18 did surprise me they were willing to do it  
19 but it was the sort of thing I thought  
20 would happen and would be beneficial.

21 Q. Weren't you suspicious?

22 A. Not a bit suspicious because I  
23 knew for years and years there was no success  
24 with these federal charters and there were  
25 provisions in our provincial charters which  
26 we could have success if they did not  
27 behave.

28 Q. What possible motive would they  
29 have to give up these federal charters,  
30



Q. Now, I want to ask you to go back to the  
beginning of the investigation.

A. I have no knowledge and I have  
heard no evidence given here of anything else  
relating to the case and the other people  
at the same level or anyone else, and  
I cannot say anything more.

Q. You made no investigation to find  
out whether you were being misled.

A. I know of no such action and  
was misled as to the nature of the  
case.

Q. Does it surprise you that they  
were willing to give up their lives  
for something that was not real?

A. It doesn't surprise me in view  
of what I have over the period of time. I  
am surprised as they were willing to do it  
but it was the sort of thing I thought  
would happen and would be justified.

Q. Would it be justified?

A. Yes, it is a legitimate business.  
When the word was given to go in to work  
and these federal agents and some other  
employees in the investigation were  
we could have as soon as they did not

Q. Now, I want to ask you to go back to the  
beginning of the investigation.





1 which you say were all-protecting?

2 A. You tell me? I do not know.

3 Q. Did not you ask?

4 A. I don't ask people what their  
5 motives are. I was -- I was very pleased  
6 with the fact that we had reached the point,  
7 as a result of a lot of pressure, to do this.  
8 I have no apologies to make to you or anybody  
9 else for that.

10 Q. With the result you gave them a  
11 new lease on life?

12 A. We gave them no new lease of  
13 life; we put three nooses around their heads  
14 and were successful in putting them around  
15 their necks eventually.

16 Q. Exhibit 75 seems to say they  
17 were near the end of the road.

18 A. All right, you make your own  
19 statement.

20 THE COMMISSIONER: Ask questions instead  
21 of making statements.

22 MR. MACKINNON: I did not prepare these  
23 exhibits.

24 Q. Now, so far as these three clubs  
25 were concerned, I believe Mr. Brewin has  
26 mentioned this: Their physical characteristics  
27 remained the same. Isn't that correct, so  
28 far as the barricaded doors and the bars and  
29 belts, everything remained the same? You  
30





THE UNITED STATES OF AMERICA

1. That the said [Name] is a citizen of the United States

2. That the said [Name] is a resident of the State of [State]

3. That the said [Name] is a member of the [Organization]

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30. That the said [Name] is a [Title]



1 called them fortresses. That is a fair  
2 description?

3 A. Prior to the time --

4 THE COMMISSIONER: Just a minute, he has  
5 not asked a question.

6 MR. MACKINNON: Q. Didn't they, then,  
7 remain the same after July the 12th, 1957?

8 A. I wouldn't say they remained  
9 the same. I mentioned the Fire Marshal's  
10 orders. I would say eventually the fact,  
11 not necessarily solely, that they were barring  
12 entrance was one of the grounds on which  
13 the charter was cancelled, which was the  
14 very kind of thing we hoped we would be able  
15 to do if the situation warranted.

16 Q. Which charter are you talking  
17 about?

18 A. The Centre Road charter.

19 Q. Mr. Wilson gave us earlier a  
20 Provincial Police report, a portion of which  
21 has been read in by Mr. Brewin, dated  
22 April 21, 1961. It is a memo to G.H.Q.  
23 from Sergeant Anderson and it is repremises  
24 at 2165 Centre Road, Township of Toronto,  
25 County of Peel.

26 A. Perhaps you might let me have a  
27 copy of that.

28 Q. I will read one sentence on the  
29 second page. He says that as of June 1, 1960,  
30







C/5

1 these premises has remained closed and has not re-  
2 opened its doors as a club since.

3 A. Well, it is true as can be. What  
4 is wrong with that?

5 Q. Nothing to do with the provincial  
6 charters being granted to them that it was  
7 closed at that occasion?

8 A. The provincial charters ~~in~~ hearing  
9 had taken place and the decisions were in the  
10 course of actually being made. I don't  
11 know what the gamblers were thinking about it.  
12 Perhaps I should not call them that. I don't  
13 know what the people connected with the club  
14 were thinking when this happened. The fact  
15 of the matter is they had a hearing and  
16 recommendations made and at the same time  
17 there was an undercover investigation going  
18 on, all with the purpose of cleaning up a  
19 bad situation, if it was bad. What other  
20 object could we have, or what other end  
21 result could we have that was better?

22 Q. I suggest the club had closed  
23 before the club was informed at all its  
24 charter had been cancelled. That is the  
25 effect of this report.

26 A. I don't know if it was but if  
27 Anderson says it was closed as a result of  
28 the arrest of Wright, that is so. But,  
29 there is nothing to prevent it opening if the  
30



opened the door as a sign of

2. Well, in the end we

3. It was a very

4. I was going to go with the

5. I was going to go with the

6. I was going to go with the

7. The following morning

8. The next day the weather

9. I was going to go with the

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28. I was going to go with the





1 charter was still in existence.

2 Q. Has any idea been given to you as  
3 to how much money these clubs were making in  
4 a month?

5 A. I have no idea whatever.

6 Q. Never any information given to  
7 you on that?

8 A. I have no idea whatever about  
9 that.

10 Q. So far as the closing of the  
11 Roseland Club is concerned, we heard the  
12 evidence of Inspector Hatch and Mr. Common,  
13 and others. Were you aware or were you  
14 advised that Sergeant Hatch, as he then  
15 was, was complaining about leaks of his  
16 reports to headquarters and that he asked  
17 leave not to make any reports?

18 A. No, I wasn't aware of that  
19 incident at all.

20 Q. You were never advised of that.  
21 And that subsequently, as a result of a raid  
22 conducted by him, this club was closed?

23 A. There is a lot of the evidence  
24 come out in this Commission; I can under-  
25 stand his apprehension.

26 Q. Pardon?

27 A. As a result of evidence which  
28 has come out, not only here but at trials,  
29 I can understand his apprehension; but I had  
30





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1 not the slightest indications at all that there  
2 were leaks at all along the line. Nobody  
3 brought that to my attention in the office,  
4 that these things were actually happening.

5 Q. To your knowledge this, of course,  
6 you have described as a completely unique  
7 situation, the issuing of these provincial  
8 charters. Did you advise the police in any  
9 memo that they were to watch these bars and  
10 bolts clause which were in these charters?

11 A. I am not in the habit of advising  
12 the people directly.

13 THE COMMISSIONER: Q. No, no.

14 A. No, I didn't directly. I don't  
15 give the police instructions myself.

16 MR. MACKINNON: I am not asking that.  
17 You took a very personal interest in these  
18 charters?

19 A. I took an interest in getting  
20 this thing settled in the way it was settled  
21 and I took a great deal of pride in the way  
22 it was accomplished.

23 Q. So far as the follow-up, if there  
24 was to be any, once you issued these charters  
25 you gave no further instructions personally  
26 as to what was to be done?

27 A. No.

28 Q. Apart from issuing the press release?  
29 No, no

30 A. NOTHING more than I would give the



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THE PROSECUTION REQUESTING AT ALL TIMES  
WAS MADE AT ALL TIMES THE PROSECUTION  
THROUGHOUT THE ENTIRE TRIAL.  
THAT THESE THINGS WERE ACTUALLY OCCURRING.

Q. To your knowledge, late, of course,  
you have described as a completely single  
situation, the timing of these previously  
mentioned. Did you advise the police in any  
way that they were in some way from you  
before these things were in fact occurring?

A. I am not in the habit of advising  
the police directly.

THE CHAIRMAN: Q. Now, Mr.  
A. No, I didn't directly. I don't  
give the police instructions myself.

MR. HARRINGTON: I am not asking that.  
YOU HAVE A VERY DIFFICULT SITUATION IN YOUR  
HANDS.

A. I took an interest in getting  
this thing settled in the way it was settled  
and I took a great deal of pride in the way  
it was accomplished.

Q. So far as the follow-up, is there  
any to be had, now you know these things  
and you are looking for them?  
THE CHAIRMAN: I am not asking that.  
AS TO WHAT WAS TO BE DONE?

A. Yes.  
Q. Now, from looking at these releases  
NO, NO  
A. I would give the





1 police instructions in how to capture a murderer  
2 or a criminal. I have enough confidence in  
3 their ability that they know their jobs.  
4 If they have not, they should not be there.

5 Q. Did Mr. Herman in any of his  
6 interviews communicate to you that these  
7 clubs were in a bad way, that they were on  
8 the verge of closing down?

9 A. He certainly did not. To me.  
10 Because, to the extent that he was urging  
11 that they were very unfairly treated as a  
12 result of the harassing attitude of the  
13 police, to the extent that was a weapon of  
14 closing them down, I suppose that would be  
15 a reasonable interpretation; but he did  
16 not in any sense indicate to me they were  
17 out of money or could not afford to operate.  
18 I was not concerned with that phase of it  
19 one way or the other.

20 Q. With regard to these instructions  
21 of May the 25th, 1956, which Sergeant Anderson  
22 has in his diary, did I understand you to say  
23 you could not remember giving those  
24 instructions, namely, to raid only on  
25 complaint?

26 A. I didn't give any instructions  
27 of that sort at all. What may have happened  
28 on that occasion, in the light of the dis-  
29 cussions that took place --  
30



police investigation in the case of a person  
on a criminal. I have enough confidence in

their ability that they can find out  
it was done and they would not be

Q. Did Mr. Newman in any of his

interviews mention to you that

clubs were in a bad way, that they were on

the verge of closing down?

A. He certainly did not. To me,

because, in the first place, he was

that they were very definitely needed as a

result of the harassing attitude of the

police, to the extent that was a weapon of

closing them down, I suppose that would be

a reasonable interpretation; but he did

not in any sense indicate to me they were

out of money or could not afford to operate.

I was not concerned with that phase of it

one way or the other.

Q. With regard to those instructions

of Mr. Newman, did you have any further

as to his story, did I understand you to say

you could not remember giving those

instructions, namely, to read only on

specifically?

A. I didn't give any instructions

of that sort at all. What you have suggested

as being suggested, in the light of the fact

that I was not present at the time

of the meeting, I am sure that





1 THE COMMISSIONER: Q. Never mind what  
2 might have happened. You did not give the  
3 instructions?

4 A. I gave no instructions as such  
5 at all. But I want to make it clear,  
6 Commissioner McNeill, Mr. Magone and others  
7 and myself were discussing the best method  
8 of dealing with the very difficult problem  
9 with relation to the facts at that particular  
10 time and I don't say that might not have  
11 been considered as the best way of doing it  
12 at that particular time as a result of  
13 things which had not been successful. But,  
14 there was no thought in my mind of giving  
15 instructions for a period of time as to how  
16 these men -- instructions as to how they  
17 cope with these clubs, nor did I have such  
18 thoughts in my mind.

19 Q. You would not think Sergeant  
20 Anderson would misreport?

21 A. I can't say whether he had any  
22 proper conception of what was going on. He  
23 was not brought in at my request. He must  
24 have been brought in by Commissioner McNeill.

25 Q. In your evidence on Friday you  
26 say at page 11930 in answer to a question  
27 by Mr. Wilson, you were reading from a copy  
28 of a report made by Sergeant Anderson:

29 A. By Sergeant Anderson, dated the  
30





Q. Now, you said that you did not give the

A. I gave no instructions as to how

as all. But I want to make it clear,

that I did not give any instructions as to how

and I did not give any instructions as to how

of dealing with the very difficult problem

with relation to the issue at that particular

time and I don't say that I did not give

been considered as the best way of doing it

at that particular time as a result of

things which had not been considered at that

there was no thought in my mind of giving

instructions for a period of time as to how

these men -- instructions as to how they

once with these ideas, and did I have a

thought in my mind.

Q. You would not think Sergeant

Adams would say that?

A. I can't say whether he had any

proper conception of what was going on. He

was not brought in as my request. He was

have been brought in by Commissioner Sullivan.

Q. In your evidence on Friday you

said at page 1030 in answer to a question

by Mr. Egan, you were talking to him a copy

of a report which was given to you.

A. By Sergeant Anderson, I said the



1 "14th of January, 1957. I read in para-  
2 "graphs - rather, I read the paragraph  
3 "which is the third from the bottom: . . . "  
4 This is a paragraph which reads, and this is in  
5 May, 1957:  
6 " Following verbal instructions  
7 "of the Attorney-General, Mr.  
8 "Roberts, that the three alleged  
9 "gaming houses operating in the  
10 "province be raided only on  
11 "receipt of direct complaints, . . . "

12 And, then, he talks of the three raids  
13 that resulted. Did you ever contradict  
14 Sergeant Anderson --

15 A. That statement you are reading  
16 from is a report he prepared for the year 1956  
17 to his superior, McNeill, in order that  
18 McNeill could make up his annual report for  
19 1956 and he was talking in terms of 1956,  
20 and I assume May, 1956, in relation to that  
21 subject matter. I know nothing about that.  
22 They came to me in the way I described because  
23 of a request from Peterborough by the local  
24 Member as to gambling and the law, and so  
25 forth. I asked my Director of Public  
26 Prosecutions to give him an answer, for the  
27 late Mr. Scott, and he in turn passed it  
28 through the Commissioner, McNeill, and McNeill  
29 passed it to Anderson and on the way back there  
30





"John of January, 1957. I read in your-

"James - rather, I read the statement

This is a paragraph which reads, and this is in

May, 1957.

"Following verbal instructions

"of the Attorney-General, Mr.

"Robert, that the same alleged

"Kearney House operating in the

"province he raised only on

And, then, he said of the three cases

that resulted. And you even continuing

from in a report he prepared for the year 1956

he said that, actually, in 1956

he said that he was talking in terms of 1956.

subject matter. I have nothing about that.

They came to me in the way I described because

of a request from Washington by the local

prosecution to give him an answer, five days

from Mr. Scott, and he in turn passed it

through the Commissioner, Mr. Bell, and Mr. Bell

sent it to the Attorney General and he sent it back





1 is attached this particular document, which I  
2 never knew existed unless I saw it in that  
3 particular time. When I saw it I realized  
4 there was a very peculiar interpretation of  
5 anything I said and I began to set in motion  
6 what became an extremely active attack on  
7 all three of these clubs, as outlined by me  
8 on Friday. That was one of the reasons for  
9 that action, which was very evident later  
10 that spring.

11 Q. Did you contradict Sergeant  
12 Anderson at that time and advise him orally  
13 or in writing it was quite wrong?

14 A. I don't think I spoke to  
15 Sergeant Anderson -- I haven't spoken to  
16 Sergeant Anderson half a dozen times in  
17 my life. He isn't under my command.

18 Q. Did you tell the Commissioner?

19 A. I read that to the Commissioner  
20 at the time and I remember telling the  
21 Commissioner I wanted to know what was  
22 going on on this squad and I was given  
23 periodical reports to let me know at my  
24 desk.

25 Q. Did you tell the Commissioner  
26 that Sergeant Anderson was quite wrong in  
27 not reporting what he said you told him?

28 A. I drew attention to that par-  
29 ticular memorandum in Sergeant Anderson's  
30



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A. I don't think I spoke to  
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1 report and I explained to him, definitely, I had  
2 no such intention or thought of that sort of  
3 thing as a persisting procedure. Of course,  
4 I didn't have it. Actually these people  
5 would change their methods from week to week  
6 and month to month. If they didn't the  
7 people they were trying to get would  
8 certainly be having an easy time.

9 THE COMMISSIONER: Q. Did you have it  
10 in mind as a temporary modus operandi?

11 A. It could be. I don't recall  
12 that in detail at the present time. At that  
13 occasion we were discussing gambling and  
14 there were certain new methods discussed.  
15 We also discussed the difficulty, the  
16 impossibility of getting in on these raids an  
17 undercover man. It may well have been that  
18 it was the view of everybody there.  
19 Certainly, it was the view of everybody  
20 there, the people I was talking to. Maybe  
21 not Anderson, but it was the combined  
22 thinking of Magone, McNeill and myself;  
23 whatever was done was our combined thinking.

24 MR. MACKINNON: Q. Did not you call  
25 Commissioner McNeill in, and Sergeant  
26 Anderson I believe, as a result of Herman's  
27 complaints at this time, in May of 1956?  
28 Isn't that the reason you called him in?

29 A. I don't think so. I have no  
30



[illegible]



1 recollection what was the reason at all. I don't  
2 think there was anything happened that par-  
3 ticular time from Herman that I knew of. If  
4 you can refresh ~~your~~<sup>my</sup> memory as to something;  
5 but I have no recollection of Herman at that  
6 time.

7 Q. You have no recollection as to  
8 why you would be discussing this particular  
9 subject with Anderson and Commissioner  
10 McNeill?

11 A. I gave you the details on Friday  
12 of what happened in March and April, and this  
13 was May, of 1956.

14 Q. Now, in his diary he says - this  
15 is Sergeant Anderson:

16 " . . . execute warrants only on  
17 "complaints. Discontinue trying to  
18 "get officers in for time being to  
19 "see what happens."

20 Does that strike any familiar note in  
21 your mind?

22 THE COMMISSIONER: What date?

23 MR. MACKINNON: This is May 25, 1956,  
24 Exhibit 69.

25 A. It could be the combined thinking  
26 of that time, that would be the best way of  
27 dealing with it.

28 Q. What did you expect would happen?

29 A. Well, if there was -- the club was  
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... I have no recollection of Herman at that time.

... why you would be discussing this particular subject with Jackson and Rosenbaum.

Q. I gave you the details on Friday of what happened on that day, and this was July 1946.

Q. Now, in the time he says -- that is between ...

"... someone returns only on ..."

"... complain. Rosenbaum trying to ..."

"... get off in the boat to ..."

"... and then ..."

Does that cover any further time for your story?

... the ...

... Rosenbaum ...

Q. It could be the combined thinking of that time, that would be the best way of ...

Q. What did you expect would happen?

A. Well, if there was -- but since we





1 running on its own and somebody was badly damaged  
2 and came and made a complaint, then, you would  
3 have the evidence you had been looking for  
4 for years to take them out of it. Time  
5 after time when they made their raids, no  
6 evidence. You had, as Sergeant Anderson  
7 remarks, to get the evidence. He couldn't  
8 get the people in there who could be present  
9 at the tables and see what was going on. If  
10 somebody had been badly hurt and laid a  
11 complaint then you would have first hand  
12 evidence. Now, that may have been the  
13 thinking at that time, I wouldn't say it  
14 was not the thinking; it may well have been.

15 Q. To your knowledge had you had  
16 any complaints?

17 A. Yes. Atwood. He came up in  
18 November, 1957. His evidence was by way  
19 of a complaint and it resulted in the closing  
20 of the Roseland Club.

21 Q. That is not the way Inspector  
22 Hatch advises. He discovered this man, who  
23 was prepared to give evidence.

24 A. Well, that is all right, it is  
25 still a complaint. Usually the police go out  
26 and discover complainants when crimes are  
27 committed; they do not rush into the office.

28 Q. Is that the type of complaint  
29 you had in mind?  
30

[illegible]





1 A. Somebody was badly hurt or somebody  
2 thought the game had been planned on him, it  
3 wasn't square, and then you would get a  
4 witness whose evidence would get a conviction.

5 Q. Did you have any examples of  
6 complaints with regard to these clubs as of  
7 May 25, 1956?

8 A. No. I have told you on Friday  
9 the situation that was in the public eye in  
10 relation to federal charters as a result of  
11 a question in the House of Commons. The  
12 Air Force ground observation corps situation  
13 was one of the things that was brought about  
14 at the time.

15 THE COMMISSIONER: No, no, you are not  
16 answering the question. Have you had any  
17 complaints?

18 A. Well, I hadn't, personally.

19 MR. MACKINNON: Q. To your knowledge?

20 THE COMMISSIONER: Q. Did you have any  
21 knowledge of complaints by any person?

22 A. Of course, there is a lot of  
23 hearsay because what I think somebody  
24 suggested at some stage, I do not know that  
25 I can tie it into this date, that some  
26 farmer had been badly trimmed, but nobody  
27 came forward with any evidence.

28 MR. MACKINNON: Q. Briefly, for a  
29 moment, turning to Magistrate Thompson. He  
30





A. I have not seen any evidence of

any other person, and I have not seen any

other person, and I have not seen any

other person, and I have not seen any

Q. Did you have any evidence of

any other person, and I have not seen any

other person, and I have not seen any

A. No. I have not seen any evidence of

any other person, and I have not seen any

other person, and I have not seen any

a question in the House of Commons. The

the House of Commons, and I have not seen any

other person, and I have not seen any

at the time.

THE COMMISSIONER: No, no, you are not

answering the question. Have you had any

any other person, and I have not seen any

A. Well, I have not seen any

other person, and I have not seen any

other person, and I have not seen any

knowledge of anything by any person.

A. Of course, there is a lot of

other person, and I have not seen any

other person, and I have not seen any

other person, and I have not seen any

other person, and I have not seen any

other person, and I have not seen any

other person, and I have not seen any

other person, and I have not seen any



1 advises that James Maloney had a distinctive voice.  
2 I take it you would agree with that?

3 A. He had a -- ?

4 Q. Distinctive voice?

5 A. He had an Irish voice but it is  
6 capable of imitation.

7 Q. You would not agree it was quite a  
8 distinctive voice?

9 A. Usually distinctive voices are the  
10 easiest to imitate.

11 Q. I wish you would answer the question.

12 A. I don't know whether he had a  
13 distinctive voice or not. Perhaps you think  
14 I have.

15 Q. You won't agree or disagree with  
16 Magistrate Thompson on this. I would like  
17 to discuss this with you: When you were  
18 interviewing Magistrate Thompson he said  
19 you cross-examined him. Would you not ask  
20 him how he knew it was Maloney?

21 A. I am not here to get into a defence  
22 for Maloney, or try to.

23 THE COMMISSIONER: Q. Just pay attention  
24 to the question. Did you cross-examine?

25 A. I talked to him; I wouldn't call  
26 it cross-examination. Mr. Common and I  
27 discussed this matter with him and in the  
28 course of the discussion, in trying to get  
29 everything in of exactly what the situation  
30



© 2000 Blackwell Science Ltd *Journal of Internal Medicine* 247: 399–406

Table 1. Data image. Matrix with 41 rows and 2

A. H. M. S.

4. The two main types of the *Phragmites* are *Phragmites communis* and *Phragmites australis*.

9. For the purpose of this section, the term "person" shall mean any individual, partnership, corporation, association, or other entity, whether or not organized under the laws of the State of New York.

1954 03 31 000000

[illegible]





1 was, we talked about the voice, is there anything  
2 to identify the voice. He said he thought  
3 it was the voice but he couldn't be definitely  
4 certain. It is a possibility it might have  
5 been somebody else. I would have thought  
6 he would be the best person to find that out  
7 of anybody.

8 MR. MACKINNON: Q. You realize, as well,  
9 he advised us he had no doubts as to whose  
10 voice because of the facts he mentioned?

11 A. I think you know enough about  
12 problems of proof, if you are introducing  
13 this into the criminal field, to know you  
14 have to have corroboration and enough  
15 evidence to make the thing stick, otherwise  
16 you don't. At least, I don't take part in  
17 laying charges in prosecutions which I do  
18 not think have enough evidence to stick.  
19 He was familiar, for four years as a magistrate;  
20 he had a Crown Attorney sitting there with  
21 him during this case; they ought to have  
22 known what to do in this situation.

23 Q. Even in connection with a Cabinet  
24 colleague of yours?

25 A. Yes, in connection with anybody.

26 Q. Do you think it was improper to  
27 come to you?

28 A. No. I would have thought his  
29 senior magistrate might have given him some help.  
30



Q. Now, we talked about the voice, is there anything  
to identify the voice. He said he thought  
it was the voice but he couldn't be definitely  
certain. It is a possibility it might have  
been somebody else. I would not know  
he would be the best person to find out  
of anybody.  
Q. Now, you said, "You realize, as well,  
he realized he had no choice as to whose  
voice because of the facts he mentioned?  
A. I think you mean when he was  
questioned of proof, if you are interviewing  
him about the subject, that he would  
have to give an answer and would  
be forced to give the truth, wouldn't he?  
Q. Now, I don't know how far  
laying charges in prosecution with I do  
not think that would be true.  
He was familiar, for four years as a neighbor,  
he had a good reason for knowing him with  
the name and that was the reason  
known was to be in the situation.  
Q. Now, in connection with a person  
collecting of money.  
A. Yes, in connection with money.  
Q. Do you think it was improper to  
come to you?  
A. No. I would have thought it  
normal procedure might have given him some help.





1 I know he had talked to the senior magistrate at  
2 some stage. In any event, he came.

3 Q. I take it you had Maloney's  
4 telephone number?

5 A. I didn't have Maloney's telephone  
6 number, except the Ministry of Mines.

7 Q. There would be no difficulty  
8 getting him?

9 A. I tried to get him. I didn't  
10 get him at that time. There may have been a  
11 lot of difficulty in getting him.

12 Q. If he was in Renfrew it would  
13 not have been a major problem?

14 A. Take all the eventualities, if  
15 you start to list them down. Where would I  
16 have ended if the day afterwards I had said,  
17 "Maloney, you are doing something", and he  
18 said, "Nothing to it", in his typical  
19 language. That would have been the end.  
20 Or, if he had said, "What can be done about  
21 it?" What do I then do, get the caution  
22 book out and caution him that anything said  
23 will be used against him? It is futile  
24 to expect the head enforcement officer to  
25 become an investigator at the police level.

26 Q. This is one of your appointees?

27 A. Who?

28 Q. Magistrate Thompson.

29 A. Yes, he was recommended --  
30







1 Q. He is under your department in  
2 general?

3 A. Yes.

4 Q. The Attorney General's Department?

5 A. Yes, but I hope to have all the  
6 people --

7 THE COMMISSIONER: Never mind.

8 MR. MACKINNON: Q. And he was coming to  
9 you for assistance, wasn't he?

10 A. I don't think so. According to  
11 his evidence he said he didn't want to see me.  
12 Mr. Common brought him in to see me. That  
13 is the way I heard of it. The inter-com  
14 was used to say that Mr. Thompson was in his  
15 office and Mr. Common wanted to bring him in.

16 Q. He was seeking assistance from  
17 you or Mr. Common, or both of you?

18 A. I understood both in that con-  
19 versation. And what Mr. Common told me,  
20 that he came up to see what he should do,  
21 and the major thing he should do is give  
22 his judgment uninfluenced by anybody, which  
23 he did.

24 Q. I think you moved a little  
25 faster in another matter than you did with  
26 regard to Maloney. You were written, I  
27 understand from the exhibits filed, with  
28 regard to a request that you should have  
29 interview Mr. Eric Scott, who was Mr. Ford's  
30



Q. Now, did you see any evidence in the evidence he said he didn't want to see me. Mr. Common brought him in to see me. That is the way I heard of it. The inter-com was used to say that Mr. Thompson was in his office and Mr. Common wanted to bring him in. Q. So you believe that Mr. Thompson was in his office at that time, or both of you? A. I understood each in their own way. Q. And Mr. Thompson was in his office at that time, or both of you? A. I understood each in their own way. Q. And the major thing he should do in this his judgment unimpaired by anyone, that he did. Q. I think you were a little faster in each other matter than you did when regard to Malone? You were written, I understand from the exhibit filed, with regard to a request that you should not participate in this case, and the Mr. Thompson's





1 junior on the prosecution. Isn't that correct?  
2 Isn't that correct?

3 A. Would you repeat that question,  
4 please?

5 MR. MACKINNON: Mr. Reporter, would you  
6 read the question?

7 THE REPORTER: "Q. I think you moved  
8 "a little faster in another matter  
9 "than you did with regard to Maloney.  
10 "You were written, I understand from  
11 "the exhibits filed, with regard to a  
12 "request that you should interview  
13 "Mr. Eric Scott, who was Mr. Ford's  
14 "junior on the prosecution? Isn't  
15 "that correct? Isn't that correct?"

16 A. I was written by Mr. Wintermeyer.  
17 You are referring to Mr. Wintermeyer?

18 MR. MACKINNON: Q. Yes.

19 A. I would like to have the letter  
20 Mr. Wintermeyer wrote. I believe it has  
21 been filed here. It got in with reference  
22 to some other matter and I would like to see  
23 what is on file here.

24 MR. MACKINNON: Mr. Registrar, could  
25 you get out those exhibits? It is towards  
26 the end of June.

27 THE COMMISSIONER: I do not remember  
28 that.

29 MR. WILSON: What are you looking for?  
30



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1 MR. MACKINNON: A letter from Mr. Winter-  
2 meyer to Mr. Frost and to Mr. Roberts, and I  
3 believe Mr. Roberts wrote a reply. It is 243.

4 MR. WILSON: 243, 244, 249 and 250.

5 MR. MACKINNON: Q. I take it, witness,  
6 you remember the request being made?

7 A. Oh, yes. I remember a lot about  
8 that matter but I would like to see just what  
9 letter you are referring to and have it  
10 produced, please, so I can examine it.

11  
12 (Page 12125 follows)





101. We have a letter from Mr. [Name] dated [Date]

order to Mr. [Name] and to Mr. [Name], and I believe Mr. [Name] wrote a reply. It is [Date].

Mr. [Name] will [Action] [Date]

Mr. [Name] is [Action] [Date]

you remember the request being made?

A. Oh, yes. I remember a lot about

that matter but I would like to see [Name] when

he is [Action] [Date]

produced, please, so I can examine it.

(The [Name] [Name])



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MR. WILSON: 243, 244, 249 and 250.

243 is broken down into A, B and C. 249 is broken down into A, B and C.

MR. MacKINNON: Q. 243 is the letter of July 17th from Mr. Wintermeyer -- 243-B, from Mr. Wintermeyer to Mr. Frost and Exhibit 249-B is the letter of July 26th from Mr. Frost to Mr. Wintermeyer stating he has handed Mr. Wintermeyer's letter to the Attorney-General. I take it that means that the letter was handed to you. And then you wrote a reply or a letter saying your door was always open.

A. I have the letter. Is my letter not on file?

THE COMMISSIONER: Your letter to Mr. Wintermeyer is 250.

MR. MacKINNON: Yes.

THE WITNESS: I have the letter here now dated July 26th, 1961.

MR. MacKINNON: Q. Now, your reaction to that, was it not to have Inspector Graham, according to his evidence which he has given us, secure a police report from Scotland Yard on Eric Scott? Isn't that correct?

A. That is not in connection with this letter. But Mr. Eric Scott who, I believe, came from the Old Country, a single man, was doing what we call "devilling" and by the bill he presented, I would say they have a



1211

Mr. ...

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A. I have the letter. Is my letter

not on file?

THE COMMISSIONER: Yes, letter to Mr.

...

MR. ...: Yes.

THE WITNESS: I have the letter here now

...

...

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...

on this record? I'm not sure.

A. That is not in connection with

...

believe, come from the Old Country, a classic name.

was doing what we call "dovetailing" and by

one bill he presented, I would say they have a





1 sharp man. He presented a bill ---

2 Q. Is that in this ---

3 A. -- for \$1,800. to the Attorney-  
4 General's Department for work he did in helping  
5 prepare this case.

6 THE COMMISSIONER: Q. Assisting Mr. Ford?

7 A. For Mr. Ford, yes, working with  
8 Mr. Ford. He apparently took upon himself,  
9 having acted in that capacity, to convey to  
10 the Leader of the Opposition by a memorandum  
11 libelous and serious claims and charges based  
12 almost entirely on hearsay. And as a result  
13 of his actions, Mr. Wintermeyer wrote the letter  
14 to Mr. Frost which was referred to and which  
15 is on file. Mr. Frost referred it to me and  
16 I wrote Mr. Wintermeyer on July 26th, 1961.  
17 Then Mr. Scott, who was at the time up to that  
18 point ever junior to Mr. Ford, with Mr. Ford  
19 or anything else, suggested or came up to my  
20 Department and asked for an appointment with  
21 me. He went to the Leader of the Opposition  
22 and gave information. He gave hearsay  
23 evidence. He gave what was confidential  
24 material supplied for the purpose of the trial  
25 taken as a result of the characterizing and  
26 discussing with various witnesses, police  
27 officers and others. He gave all this  
28 information or his conclusions as the result  
29 of it to Mr. Wintermeyer in the form of these  
30



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the leader of the opposition in the House.

Will you be the main character in the story?

about entirely on himself.

[illegible]

no law has been passed and it is not yet

Page 1 of 1

1. Write the following words in the correct column.

When in doubt, ask your doctor.

THE UNIVERSITY OF CHICAGO

any 2nd attempt not to repeat act of June 21

Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of  $\alpha$ -methylstyrene in the presence of  $\text{SnCl}_4$  at  $25^\circ\text{C}$ .





1 libelous statements. Then he didn't get  
2 the memorandum back as quickly as he would  
3 have liked to. Perhaps he regarded the  
4 memorandum of that sort in the hands of anybody  
5 might be a very serious thing.

6 MR. MACKINNON: I wouldn't conjecture.  
7 Please don't conjecture.

8 THE COMMISSIONER: We will lose the  
9 question.

10 THE WITNESS: I am getting to it in this  
11 way, that the letter, the memorandum -- Mr.  
12 Wintermeyer, I presume, had undertaken to  
13 return it to him very promptly. It hadn't  
14 been returned. He was informed -- I am giving  
15 the kind of evidence I don't like to hear  
16 given, but as I understand, he was told by  
17 Mr. Wintermeyer's office that the letter had  
18 been mailed a couple of days before or something  
19 of that sort. It wasn't at his office. He  
20 goes to the Toronto police ---

21 THE COMMISSIONER: Q. Can't we get  
22 down to the answer to the question? Then  
23 you can tell me why you did it.

24 A. I thought that is what he was  
25 asking.

26 MR. MACKINNON: Goodness!

27 THE WITNESS: I thought he asked whether  
28 we asked ---

29 MR. MACKINNON: Q. I asked you if you  
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THE WITNESS: I am going to be in this

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THE WITNESS: I am going to be in this

THE WITNESS: I am going to be in this

THE WITNESS: I am going to be in this



1 didn't table or have Inspector Graham table  
2 to Scotland Yard to get a police report on  
3 this Eric Scott?

4 A. I asked for a report on him.

5 Q. It was to Scotland Yard?

6 A. I asked for a report through their  
7 regular channels, yes, I did. Now I am leading  
8 up to ---

9 Q. Now you are explaining why you  
10 did it?

11 A. Yes. If I may continue, the  
12 memorandum I mentioned of this material, this  
13 confidential material and material obtained --  
14 practically all of it now before you that  
15 came out of diaries and so forth, this was  
16 to be returned to him. He hadn't received it  
17 so he went to Commissioner Clark and Chief  
18 Inspector Graham informed me in the latter  
19 part of July when they were so informed by  
20 the Toronto police, that he had gone to the  
21 Toronto police and claimed there was all sorts  
22 of bad business going on at Queen's Park  
23 including tampering with his mail and the  
24 Attorney-General's Department was being  
25 investigated by him and that he wanted steps taken  
26 to see where his mail was. Ultimately his  
27 mail turned up two doors down the line where  
28 it had been in somebody else's office. It  
29 had been addressed to a room number two numbers  
30



Q. Now, I want to ask you another question. Did you see any other people in the room when you were there?

A. I don't know. I don't know.

Q. Did you see any other people in the room?

A. I don't know. I don't know.

Q. Now, I want to ask you another question. Did you see any other people in the room when you were there?

A. I don't know. I don't know.

Q. Did you see any other people in the room?

A. I don't know. I don't know.

Q. Now, I want to ask you another question. Did you see any other people in the room when you were there?

A. I don't know. I don't know.

Q. Did you see any other people in the room?

A. I don't know. I don't know.

Q. Now, I want to ask you another question. Did you see any other people in the room when you were there?

A. I don't know. I don't know.

Q. Did you see any other people in the room?

A. I don't know. I don't know.

Q. Now, I want to ask you another question. Did you see any other people in the room when you were there?

A. I don't know. I don't know.

Q. Did you see any other people in the room?

A. I don't know. I don't know.

Q. Now, I want to ask you another question. Did you see any other people in the room when you were there?

A. I don't know. I don't know.

Q. Did you see any other people in the room?

A. I don't know. I don't know.

Q. Now, I want to ask you another question. Did you see any other people in the room when you were there?

A. I don't know. I don't know.

Q. Did you see any other people in the room?





1 more than his own in error by the Opposition  
2 office. When he got it, he decided he wanted  
3 to have it fingerprinted and everything else  
4 to see if it had been opened and tampered with.  
5 He took it to the crime lab. and asked  
6 Inspector Graham to do this for him, to have  
7 it fingerprinted and examined to see if  
8 anybody was monkeying with this letter. When  
9 this was all reported to me, I began to  
10 wonder -- in addition to a great deal of other  
11 information I had about him -- I began to  
12 wonder what sort of fellow we had been  
13 dealing with and what sort of man he was. I  
14 thought the best thing to do was to find out  
15 what we could about him in the manner in which  
16 I asked for it.

17  
18 Q. And the report we understand, we  
19 have been advised, came back that this man was  
20 an honourable person?

21 A. He had no criminal record. I  
22 may add I had also tried to find out whether  
23 he had had any health problems at all but we  
24 were not able to get any answer on that.

25 Q. Just so the record will be  
26 perfectly clear, you were aware, were you not,  
27 that before Mr. Scott ever went near Mr.  
28 Wintermeyer, he had attempted to see Premier  
29 Frost on June 30th? You were advised of it,  
30 weren't you?



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A. Yes.

Q. He said he had.

A. I might say in connection with that visit of his at that particular time, his mind was concentrated on something wrong up in the Department of the Attorney-General because there seemed to be a delay in launching the appeal against the acquittal of the three people, Wright, McDermott and Feeley in the trial that had terminated earlier that month. His whole approach at that time was to pressure and force an appeal to be taken.

Q. Now, I think it was a little wider than that. He wrote a letter to Mr. Frost once again before he ever went to speak to Mr. Wintermeyer on July 7th, 1961.

A. Excuse me, may I repeat the chronology of that? That was after the notice of appeal had been filed.

Q. He went to see -- he wrote Mr. Frost.

A. I am speaking now of when he went to see Mr. Frost the first time. I have mentioned the whole substance of what he was talking about was in relation to what he thought was an definite decision on the part of the Attorney-General's Department not to appeal, in which decision he saw crime and corruption.

Q. I say again it is far wider than





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Q. Now,

A. He said to me,

A. I might say in connection with

that visit of his to the Washington

and the investigation of the

in the Department of the Attorney-General

because there seemed to be a delay in furnishing

the report relative to the investigation of the

papers, letters, documents and things of the

kind that had been furnished to the

the whole thing was in the line of

and there was a report to be made.

Q. Now, I think it was a little

while then that -- he wrote a letter to Mr.

that was about the time he was going to

to Mr. Winterrowd on July 17th, 1931.

A. Now, may I repeat one

thing to you -- that was after the

of report had been filed.

Q. He went to see -- he wrote Mr.

Winter.

A. I am guessing now of when he

went to see Mr. Winter the first time. I have

mentioned the whole matter of kind as was

being sent was in relation to what he

was as definite decision on the part of the

Attorney-General's Department not to accept,

in which decision he was alone and

Q. I say again it is far



1 that according to the memo.

2 A. I am speaking of the first. I  
3 am talking about the June one you mentioned.

4 Q. You didn't see him in June?

5 A. No. You said to me he went to  
6 see Mr. Frost in June. In answer to that  
7 question, I have been making these statements.  
8 If you have a later date, come up with it.

9 Q. June 7th -- July 7th, 1961, which  
10 reply, 249-D, private and confidential letter  
11 to the Honourable Leslie M. Frost. Is that  
12 correct?

13 A. You read it. Let me see it.  
14 He may have. I suppose he did. I can't identify  
15 that.

16 Q. He received no reply to it either,  
17 did he?

18 A. I don't know. It was written  
19 to the Premier, not to me.

20 Q. Weren't these things turned over  
21 to you?

22 MR. WILSON: We are not going to repeat  
23 that. We have had it once.

24 MR. MacKINNON: I don't know what he is  
25 talking about.

26 Q. You were advised of the visit of  
27 June 30th?

28 MR. WILSON: Mr. Commissioner, if Mr.  
29 MacKinnon is making any statements like that, we  
30



first according to the same.

A. I am speaking of the first. I

am talking about the first and the second.

A. The first was the first.

A. No. You said to me no more to

me no. From in June. In answer to that

question, I have been asking them questions.

If you have a later date, come up with it.

A. June 1900 -- July 1901, while

with the first and second.

to the Honorable Justice E. Brown. In this

matter

A. The first is the first.

in my favor, I cannot be held. I don't believe

that.

A. He refused to reply to it either.

the first

A. I don't know. It was written

to the President, not to me.

A. He didn't think things were even

to you?

A. Which? He was not going to reveal

that. He was not in there.

A. Which? I don't know what he is

thinking about.

A. You were advised of the first of

the first

A. Which? He was not in there.

He was not in there. He was not in there.





1 better clear it up.

2 MR. MACKINNON: He has just given  
3 evidence of the visit of June 30th.

4 MR. WILSON: Let us read back the question.  
5 You say you didn't recall.

6 THE WITNESS: I said I didn't know whether  
7 he did.

8 THE COMMISSIONER: I have a very vivid  
9 recollection and there was evidence being put  
10 in.

11 MR. MACKINNON: He replied to Mr. Winter-  
12 meyer's letter.

13 MR. WILSON: Will you look up 249-B?  
14 Have you got it there?

15 MR. MACKINNON: It is addressed to  
16 Wintermeyer after Wintermeyer ---

17 THE COMMISSIONER: Wait a minute now.  
18 There is a lot of confusion. Let us get the  
19 matter straightened out. As part of Exhibit  
20 249, there is first a letter dated July 7th,  
21 1961, from Scott to the Honourable Leslie M.  
22 Frost. There is a clipping from the Globe  
23 and Mail. I don't know for the moment just  
24 what that relates to. And there is a letter  
25 from Mr. Frost to Mr. Wintermeyer. Now,  
26 there is nothing in that exhibit. There is  
27 in that exhibit -- there is no reply from Mr.  
28 Frost to Scott. In Mr. Frost's letter to  
29 Wintermeyer dated July 26th, there is reference  
30



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and that exhibit -- there is no topic here.

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1 to a letter received by him, that is Mr. Frost,  
2 from Mr. Wintermeyer dated July 17th. But it  
3 isn't part of this exhibit.

4 MR. MACKINNON: It is in, sir.

5 THE COMMISSIONER: Then this is part of  
6 Exhibit 243. Now then, what is your question?

7 MR. MACKINNON: Q. My question is, to  
8 his knowledge -- apparently he was advised  
9 of these things. I think it is important to  
10 Mr. Scott because it is being suggested he  
11 went to Mr. Wintermeyer. He tried to see  
12 the Premier on June 30th without success.  
13 Then he wrote on July 7th, 1961 and, so far as  
14 I am aware, equally without success. This  
15 witness is familiar with the background of  
16 this matter and any other information, I  
17 would be pleased to have it.

18 A. Yes. I don't know whether Mr.  
19 Frost replied to that letter or not.

20 THE COMMISSIONER: Just a moment. Now,  
21 what is the question?

22 THE WITNESS: I don't know whether Mr.  
23 Frost replied to that letter or not. I do  
24 believe that Mr. Frost was on a holiday and  
25 didn't arrive back -- he was away from Toronto  
26 or out of the city and didn't arrive back until  
27 the 17th or 18th of July of that year.

28 THE COMMISSIONER: All right, we have it.  
29 He didn't go to Wintermeyer in the first instance.  
30





...from the ... and ...

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THE UNIVERSITY OF CHICAGO

John S. Wilson, 7000 W. 10th Ave.

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MR. MacKINNON: That is right.

THE COMMISSIONER: All right.

MR. MacKINNON: Q. Now, you did subsequently have an interview with Mr. Scott, did you not?

A. I think I better get ---

THE COMMISSIONER: Q. Did you subsequently have an interview with Mr. Scott?

A. Yes.

Q. Then say yes.

A. But I think it needs some explanation. I had an interview.

Q. In other words, you now want to explain?

A. I had an interview with Mr. Scott after Mr. Wintermeyer had written me and after I had written Mr. Wintermeyer in reply to the letter he wrote to Mr. Frost and this is a copy of this letter of July 26th, 1961 to Mr. Wintermeyer and perhaps I pointed out in that letter the proper ---

Q. What letter?

A. In my letter to Wintermeyer of July 26th, 1961.

Q. Just a moment.

MR. MacKINNON: 250, I believe.

THE WITNESS: 1961.

MR. WILSON: That is 250.

THE WITNESS: I would like to have that



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THE PRESIDENT: That is right.

THE COMMISSIONER: All right.

MR. WILSON: Now, was this

independently have an interview with Mr. Wilson?

Did you not?

A. I think I better not say --

THE COMMISSIONER: O. K. Did you independently

have an interview with Mr. Wilson?

A. Yes.

B. When was that?

A. Well, I think it would be some

explanation. I had an interview.

B. In other words, you had some

interview.

A. I had an interview with Mr. Wilson.

When did this interview take place?

I had it on the 15th of March, 1911.

What was the result of this interview?

He said that he was going to call on me.

Did he call on you?

Yes, he called on me.

When was that?

On the 16th of March, 1911.

What was the result of that?

He said that he was going to call on me.

Did he call on you?

Yes, he called on me.

When was that?

On the 17th of March, 1911.





1 letter read.

2 MR. MACKINNON: It has already been read.  
3 It is in.

4 THE WITNESS: Yes. Then I would point  
5 out before I go further on that, Mr. Ford was  
6 retained to represent the Crown. <sup>Scott</sup> Mr. Ford as  
7 solicitor was employed by Mr. Ford as an  
8 assistant and junior in the case. He would,  
9 in his professional capacity, in the ordinary  
10 course have available to him information of  
11 a confidential nature. You must understand  
12 in a case of this sort ---

13  
14 THE COMMISSIONER: I have the letter.  
15 You don't need to clutter up the shorthand  
16 notes by reading it.

17 THE WITNESS: I want to point out it  
18 made certain allegations and I say I went to  
19 pains to reassert I had confidence in my  
20 officials.

21 THE COMMISSIONER: I see that.

22 THE WITNESS: And at the end, I said,  
23 "I point out that the proper and professional  
24 method of dealing with this matter --- "

25 THE COMMISSIONER: I see that too  
26 already.

27 THE WITNESS: Then I have said somewhere  
28 in that letter that my door was always open  
29 to anyone who had proper business with me.  
30 Up to this point, no request was ever made to



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1 me, the Attorney-General of the Province, to  
2 see Mr. Scott. No request whatever was made  
3 by Scott or anyone for me to see Mr. Scott.  
4 Now then, he did -- Mr. Wintermeyer did write  
5 again. Is that letter on file, the second  
6 letter from Mr. Wintermeyer?

7 MR. MACKINNON: I don't believe it is --

8 Q. Asking for an appointment?

9 A. Yes. We better get that.

10 MR. WILSON: I think it is 251.

11 THE COMMISSIONER: I am very interested,  
12 Mr. MacKinnon, in knowing what you are aiming  
13 at.

14 MR. MACKINNON: I want to find out what  
15 this man did as a result of a complaint which  
16 was made. He starts out as if he was going  
17 to sneer Scott as indicating he had gone to  
18 Mr. Wintermeyer without exploring any other  
19 avenue. I wanted to emphasize the man had  
20 tried to see the Premier of this Province.

21 THE COMMISSIONER: We have that.

22 MR. MACKINNON: I want to find out what  
23 he did about these complaints.

24 THE COMMISSIONER: What who did?

25 MR. MACKINNON: The Attorney-General  
26 of the Province.

27 THE COMMISSIONER: He wrote Mr. Winter-  
28 meyer.

29 MR. MACKINNON: I asked him if he had an  
30





ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE OF DEATH: 08-19-68

BY STAFF OF BUREAU OF LAND MANAGEMENT

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PLEASE PRINT NAME AND TITLE OF THE PERSON TO WHOM THIS CARD IS SENT

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1. List of the 1000 specimens of *De la Roche* I. 1911/1912

United to see the best of both worlds

1966 年 6 月 2 日 星期一 1966 年 6 月 2 日 星期一

Mr. Wood: I asked for it, and he said no.



1 Interview with Mr. Scott.

2 THE COMMISSIONER: He said yes. Now  
3 what are you aiming at?

4 MR. MACKINNON: I think I am entitled  
5 to find out what he did with reference to these  
6 complaints, about his Department and about  
7 the evidence we have been canvassing here  
8 for nearly six months.

9 THE WITNESS: I saw Mr. Scott. Present  
10 at the time I saw him was Mr. Gordon Ford,  
11 also Mr. Common, also Mr. Bowman and myself.

12 MR. MACKINNON: Q. Did Mr. Scott have  
13 anyone with him?

14 A. No, I don't think so. He came  
15 and all these people were present and I told  
16 him I thought they should be there and he  
17 was quite agreeable to that. I might say  
18 we knew the wording, the contents of this  
19 memorandum that went to Mr. Wintermeyer prior  
20 to Mr. Scott's arrival at the office and as  
21 soon as the contents of that scurrilous  
22 document was made known to us, we began in  
23 the office a very thorough and painstaking  
24 survey of every allegation and every effort  
25 was made to put it into perspective to  
26 determine what the proper answers were. Mr.  
27 Scott came and I think it was around the end  
28 of August and I took them one by one.

29 MR. WILSON: So we will have it, Mr.  
30







1 Commissioner, this is the letter from Mr.  
2 Scott to this witness of August 15th. I  
3 don't think it is in.

4 THE COMMISSIONER: All this has got in  
5 in the sloppiest possible way I can conceive  
6 of and resulted in an indignation on the part  
7 of Mr. Frost.

8 MR. MACKINNON: With great respect, it  
9 got in through Inspector Graham's files.

10 THE COMMISSIONER: I don't care how it  
11 got in. It got in in the sloppiest way.

12 MR. MACKINNON: I asked for the files.  
13 That is clear. I asked him to read these  
14 in. I didn't know what was in them. I didn't  
15 see these files.

16 THE COMMISSIONER: You are asking him  
17 what he did. He is telling you what he did.

18 THE WITNESS: I took these items he  
19 had raised one by one and with the memorandum  
20 that had been prepared by me -- he sat across  
21 from me. I think he is hard of hearing but  
22 I think he heard everything that took place  
23 on that occasion. He appeared to -- and  
24 taking each of these items -- I think there  
25 were something like seventeen of them --  
26 I gave him the answers my Department had by  
27 their research and checking made available  
28 and after a couple of hours, I would think ---

29 THE COMMISSIONER: Q. He left?  
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1 A. He left.

2 MR. MACKINNON: Q. Did he indicate he  
3 was satisfied with your explanation?

4 THE COMMISSIONER: What difference does  
5 that make?

6 MR. MACKINNON: Q. -- or still  
7 dissatisfied? This witness, I thought, was  
8 going to be called at the very beginning of  
9 this hearing.

10 THE COMMISSIONER: Eric Scott?

11 MR. MACKINNON: Yes, sir.

12 THE COMMISSIONER: I don't want any opinions  
13 from Mr. Scott or anybody else. I want to  
14 know what the facts are.

15 MR. MACKINNON: I don't see any point  
16 in any further cross-examination.

17 MR. WILSON: There was only one matter,  
18 that this witness on Friday said he would  
19 prepare memorandum. I take it he has not  
20 had an opportunity to complete that memo.

21 THE WITNESS: No. I gave instructions  
22 this morning for that and I will have it  
23 available very shortly.

24 THE COMMISSIONER: That is all.

25 THE WITNESS: Thank you, sir.

26 THE COMMISSIONER: Mr. Wilson, this isn't  
27 an exhibit.

28 MR. WILSON: No. I think to complete ---

29 THE COMMISSIONER: It has no value as an  
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1 exhibit. I don't want it.

2 MR. WILSON: Fine. Mr. Rose asked me  
3 to inform you he has no questions. He left  
4 a few minutes ago.

5 THE COMMISSIONER: I forgot he had left.  
6 He has left?

7 MR. WILSON: He has left.

8 THE COMMISSIONER: All right, two-fifteen.

9  
10 ---Whereupon the hearing adjourned at 1:00 o'clock  
11 p.m. until 2:15 o'clock p.m.

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---On resuming at 2:15 o'clock p.m.

STANTON HOGG, sworn

EXAMINED BY MR. WILSON:

Q. You are a practising solicitor in the City of Toronto?

A. I am.

Q. As counsel for the Liberal Party?

A. Yes, sir.

Q. You were at one time a member of the Crown Attorney's Department, staff, in the City of Toronto?

A. My appointment was assistant Crown Attorney for the City of Toronto and the County of York.

THE COMMISSIONER: Q. When was that?

MR. WILSON: Q. What time was that?

A. That was from the late spring or early summer of 1954 within a few days after my graduation from law school to the 30th of November, I believe, 1960.

Q. Yes.

A. A period of about six years.

Q. Who appointed you? Was it a Provincial appointment?

A. Is it a Provincial appointment?

Q. By the Attorney-General?



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THE UNITED STATES OF AMERICA

IN SENATE

COMMITTEE ON THE JUDICIARY

REPORT

ON THE

PROCEEDINGS

OF THE

COMMISSION

ON THE

ADMINISTRATION

OF THE

COURTS

AND

THE

RECOMMENDATIONS

OF THE

COMMISSION

ON THE

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1 A. I guess by the Lieutenant-Governor  
2 in Council. I believe the appointment of  
3 the Crown Attorney is -- I was approached  
4 when I was in law school to have an interview  
5 with the then Crown Attorney.

6 Q. At page 979 of the evidence here  
7 there was read into the record a report of a  
8 speech in the Toronto Star, April 17, 1961,  
9 and the heading is;

10 "Three Groups Battle to Rule

11 "Metro Crime --EX-Attorney.

12 " A former Toronto Crown Attorney --"

13 THE COMMISSIONER: Of what date?

14 MR. WILSON: April 17, 1961.

15 THE WITNESS: Is that the Star?

16 MR. WILSON: Q. The Star, yes. Now,  
17 to what body did you make this speech which  
18 was reported in the Star on that date?

19 A. There was a motion brought before  
20 the Ontario Liberal Association at the Royal  
21 York and after the motion was moved and  
22 seconded, I spoke to the motion.

23 Q. Then the report of your speech  
24 in the Star goes on to say:

25 "The former Toronto Crown Attorney

26 "suggested four crime syndicates

27 "are able to operate in Ontario

28 "because of payoffs to public officers

29 and officials and police "





in 1900. I have the certificate of

the State of New York is as follows:

That I am the owner of the

and the same is now in my

of the same is as follows:

There was sent to me a report of

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1                   Stanton Hogg, former Assistant  
2                   "Crown Attorney for York County also  
3                   "told the Ontario Liberal Association  
4                   "Convention that at least three crime  
5                   "syndicates were engaged in 'a life  
6                   "and death struggle' for control of  
7                   "the criminal element in the Metro  
8                   "area."

9                   First of all, during your period as  
10                  Assistant Crown Attorney ---

11                 A.        Might I see that? It is different  
12                  from my copy.

13                 THE COMMISSIONER: What were you reading  
14                  from?

15                 THE WITNESS: Well, I assume it is a  
16                  clipping from the same paper.

17                 MR. WILSON: Q.   Possibly it is another  
18                  edition. Is it the same date?

19                 A.        I would think it would be the  
20                  same date, and possibly the same edition.  
21                  There is a paragraph in there saying, "It is  
22                  the evil they do . . . police".

23                 Q.        Yes. Now, during the period  
24                  that you were associated with the Crown  
25                  Attorney's staff, did you ever bring to the  
26                  attention of your superiors of the Attorney-  
27                  General any facts which in any way bear on  
28                  what you said in that speech?

29                 A.        Other than what I said in court as  
30



1. The first part of the report deals with the general situation of the country and the progress of the work of the Commission. It is divided into two main sections: the first section deals with the general situation and the second section deals with the progress of the work of the Commission.





1 counsel for the Crown in prosecuting cases  
2 and in my remarks as to sentences.

3 Q. During your period in office  
4 you did not consider the matter - any opinion  
5 you had or information you had - was not of  
6 sufficient importance to bring it to the  
7 attention of the then Crown Attorney, Mr. Gibson,  
8 or the Attorney-General?

9 A. I felt this was a matter of  
10 common knowledge.

11 Q. What facts did you have to support  
12 these far-reaching statements that you made  
13 as recorded in the Star?

14 THE COMMISSIONER: Take them one at a  
15 time.

16 MR. WILSON: Yes.

17 Q. At least three crime syndicates  
18 were engaged in a life and death struggle  
19 for the criminal element in the Metro area.

20 A. Well, it was generally known  
21 that there had been and were groups of gambling  
22 syndicates operating; betting houses and  
23 gambling houses. It was also well known  
24 and there has been decided cases where the  
25 police have seized documents which indicate  
26 that these men were making a great amount of  
27 money out of their activities.

28 Q. Yes?

29 A. There has been a considerable amount  
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1 of publicity in our press derived from the  
2 hearings in the States and that their problem  
3 was somewhat similar to ours. However,  
4 ours had not reached the point that theirs  
5 had. I think you will find that there is  
6 a reference here -- What I was saying was  
7 it was just common knowledge and common sense  
8 that vast illegal profits were being made from  
9 an organization that was illegal.

10 Q. You were reported as having said  
11 this -- have you a copy in front of you?

12 A. No, I haven't, sir.

13 Q. At an Ontario Liberal Association  
14 Convention, and this is the part I am  
15 particularly interested in, there are at  
16 least three crime syndicates engaged in a life  
17 and death struggle for control of the criminal  
18 element in Metro Toronto. Now, tell me all  
19 that you know with respect to these three  
20 crime syndicates. Who were connected with  
21 them?

22 A. I had thought I said "two or  
23 three" and I believe that was reported in  
24 another newspaper account; but so far as knowing  
25 the details of the individuals, I didn't; it  
26 was common knowledge that McDermott and  
27 Feeley and those associated with them were  
28 one group.

29 Q. Yes?







1 A. It was known that Blustein and  
2 his group were also in this city. I'd say  
3 it was known that a group of Americans were  
4 trying to move up here and the Stringer brier  
5 had been made public and read in at the  
6 preliminary hearing of the Feeley and McDermott  
7 trial; and in that case it was obvious there  
8 was at least two groups jockeying for power.

9 Q. You speak of them as syndicates.

10 A. I define a syndicate of two or  
11 more people associated together in an illegal  
12 activity.

13 Q. What evidence did you have that  
14 they were engaged in a life and death struggle  
15 for control of the criminal element in the  
16 Metro area?

17 A. Well, by that I would mean the  
18 criminal gambling element. I would think that  
19 once having control of the gambling they would  
20 consolidate their position and move to other  
21 fields; but there was certainly no indication  
22 of that at that time. In fact, I think I  
23 stated that.

24 Q. Then you go on:

25 "He later declined to name names.

26 "Organized crime on a syndicate

27 "basis is now operated in Ontario."

28 Q. What did you have in mind there?  
29 You see what I am interested in? If what you  
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1. The first thing I noticed when

the group went down the hill was

the way the wind felt on my face.

It was a mix of excitement and

anxiety, but I knew I had to

keep my head down and my feet

steady. The crowd was so loud

that I could barely hear myself

think. I was a little out of

breath, but I knew I had to

keep going. The crowd was so

loud that I could barely hear

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1 said is true and you had some knowledge of it  
2 and you base that knowledge on, "organized  
3 crime on a syndicate basis is now operating  
4 in Ontario", what did you mean by that?

5 A. I would certainly use that term  
6 concerning references to the Cooksville  
7 operation and the one I heard about down in  
8 the Windsor area. I knew there was one operating  
9 over in the Peninsula and there was a group  
10 behind this and that is what I would refer to  
11 as an organized gambling syndicate.

12 Q. Is that all you had in mind?

13 A. I heard the chap call Blustein  
14 was in these circles and he was quite a big  
15 operator in the city; but who was surrounding  
16 him I didn't know.

17 Q. "It is a disgusting situation  
18 "and one that we should do something  
19 "about, said Mr. Hogg."

20 A. It is a matter of a trial of a  
21 man by the name of John Pleschuk in December  
22 of 1959, was when he was operating.

23 Q. In 1959?

24 A. December of 1959 the trial took  
25 place, if my memory is correct, and he was  
26 running the Finnish Club. That was a trial  
27 in connection with Magistrate Thompson.  
28 There was another prosecution. In that  
29 case the police had entered this establishment  
30







1 and herded everyone into the back room. There  
2 was a trap-door and they whistled in two other  
3 police officers waiting across the street. The  
4 police officers changed clothes. Meanwhile  
5 the operators were being questioned and they  
6 brought the operators into the room and let  
7 everyone go. The two men under the trap-door  
8 had a tape recorder with them.

9 Now, this man was just a front end  
10 stooge for Feeley and McDermott, or was in  
11 1951, thought so by the police anyway. There  
12 is some evidence of it here. At that time  
13 remarks were made about the extent of gambling,  
14 that it was organized, and my submissions  
15 at that time were that a heavier sentence  
16 should be more than normally because this  
17 man was a front man.

18 Q. What happened to him?

19 A. He was sent to jail for a short  
20 time and his family was looked after.

21 Q. What was the sentence?

22 A. I think he got either three or  
23 six months; three months if I am correct. In  
24 1956 down in Windsor there had been a prosecution  
25 of a man, 1955 I think, and he went to the  
26 Court of Appeal in 1956.

27 Q. What was his name?

28 A. E-r-d-l-y-n.

29 Q. His first name?

30



[illegible]



1 A. I can't be of any assistance to  
2 you, my lord. He was prosecuted and Magistrate  
3 Hanrahan, who was the magistrate in Windsor,  
4 found him guilty of the offence of keeping  
5 a common betting house.

6 Q. What year?

7 A. The only date I have is 1956.

8 Q. Was there a conviction?

9 A. He was convicted and sentenced  
10 to a term of imprisonment of three months,  
11 if I am not mistaken.

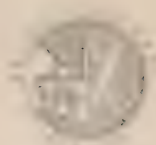
12 Q. Now, from this decision he  
13 appealed his conviction and sentence to the  
14 Court of Appeal, which gave judgment on  
15 September 10th, 1956, and is reported as,  
16 "Rex vs. Erdlyn" in Volume 117 of The Canadian Criminal  
17 Cases at page 207. The Court of Appeal re-  
18 produced his reasons for judgment and his  
19 reasons for imposing sentence, in toto; and  
20 this was a page referred to in this trial  
21 and I believe in others where the magistrate  
22 referred to the operation of an illegal  
23 betting and gaming house. He also referred  
24 to the Kefauver inquiries in the United States.  
25 In part he says:

26 " Senator Kefauver made it

27 "plain to the people of the

28 "United States and Canada that it

29 "is not merely a question of making  
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It was the first time I had ever seen him.

He was a tall, thin man with a long face.

He had a serious expression on his face.

He was wearing a dark suit and a white shirt.

He was looking at me with a steady gaze.

He was standing in the middle of the room.

He was the only one who was not there.

He was a man of many secrets.

He was a man who had seen things.

He was a man who had lived through them.

He was a man who had survived.

He was a man who had been there.

He was a man who had been seen.

He was a man who had been known.

He was a man who had been loved.

He was a man who had been hurt.

He was a man who had been angry.

He was a man who had been sad.

He was a man who had been lonely.

He was a man who had been alone.

He was a man who had been forgotten.

He was a man who had been remembered.

He was a man who had been seen.

He was a man who had been known.

He was a man who had been loved.

He was a man who had been hurt.

He was a man who had been angry.

He was a man who had been sad.

He was a man who had been lonely.

He was a man who had been alone.





1 "a bot (reading to words) the  
2 "citizens of our community."

3 He is referring to Windsor, my lord.

4 THE COMMISSIONER: Q. What happened  
5 to the appeal?

6 A. The appeal against conviction  
7 and against sentence was dismissed. It was  
8 pointed out that Parliament had increased the  
9 maximum sentence from six months to two years.  
10

11 Now, there was something else. There  
12 are eight pages and I was looking at them the  
13 other day but no doubt someone will be aware  
14 of other authorities. This is one that I  
15 found dealing with the same question.

16 Q. Is that what you had in mind  
17 by "organised crime"?

18 A. That is correct, sir.

19 Q. Operating in Ontario?

20 A. In addition, the Metropolitan  
21 Police were extremely concerned with this  
22 problem and my understanding was they regarded  
23 it as one of their biggest problems, if not  
24 their biggest one, and they were quite con-  
25 cerned with what would happen if it got out  
26 of hand. I discussed this question with  
27 senior police officials and junior police  
28 officials who were concerned with this problem.

29 MR. WILSON: Q. You talk about it  
30 being common knowledge:

1. The first of these is the fact that the  
2. second is the fact that the  
3. third is the fact that the  
4. fourth is the fact that the  
5. fifth is the fact that the  
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1 "The former Crown Attorney said  
2 "it was 'just common knowledge  
3 "and common sense that a portion  
4 "of the vast profits of criminal  
5 "gambling should go to allay the  
6 "eagerness of those charged with  
7 "the maintenance of justice."

8 Do you know of any payoff to public  
9 officials?

10 A. Not to any particular individual,  
11 no, sir.

12 Q. You have no facts as to any  
13 actual payoff to any public official?

14 A. Other than what has come out  
15 through this Commission.

16 Q. None other than any evidence we  
17 have had here?

18 A. No.

19 Q. You make the statement:

20 "We have honest police whose hands  
21 "are being tied behind their back  
22 "by the politicians".

23 What were your supporting facts for that  
24 statement?

25 A. I think you will see that I  
26 drew a parallel there between what had happened  
27 in the States, that I suppose everyone knows  
28 about. That is, when you have some merchandise  
29 that is declared illegal for some reason or other  
30







1 such as liquor down in the States at one point,  
2 vast profits are made by this. The organization  
3 built up in the States is still in operation  
4 and that is going back forty years or so.  
5 I thought the same thing might occur here,  
6 that it is bad public relations to go around  
7 shooting people and causing a furor in that  
8 way because the housewives and citizens and  
9 newspapers get quite upset about it. This  
10 is the reading I have done on the subject  
11 and if they could use the facilities of the  
12 law to achieve their end they would do so;  
13 and that would be my interpretation of the  
14 Stringer brief.  
15

16 Q. I take it you have no facts to  
17 support these statements other than any facts  
18 that may have been given in evidence here?

19 A. No, and beyond what is available  
20 to anyone by reading the reports of these  
21 committees, and so forth.

22 THE COMMISSIONER: Q. What committees?

23 A. The Kefauver committee.

24 Q. In the United States?

25 A. In the United States.

26 Q. As I read this, you say --

27 A. I am sorry, my lord, and what  
28 occurred apparently in Windsor I would interpret  
29 that as meaning a breakdown in law enforcement.

30 Q. You say:



1. The first of these is the fact that the  
2. Government has been unable to secure the  
3. necessary funds to carry out its policy.  
4. This is due to the fact that the  
5. Government has been unable to secure the  
6. necessary funds to carry out its policy.  
7. This is due to the fact that the  
8. Government has been unable to secure the  
9. necessary funds to carry out its policy.  
10. This is due to the fact that the  
11. Government has been unable to secure the  
12. necessary funds to carry out its policy.





1 "Top police officers of the highest  
2 "integrity were being hampered in  
3 "their duty, continued Mr. Hogg."

4 I would interpret that to mean in their honest  
5 is  
6 beliefs, that what you mean?

7 A. Yes. There was a question of  
8 the chartered clubs, and I believe it was  
9 that these charters were not being cancelled  
10 with the speed the police felt that they  
11 should have been, and I think they had the  
12 feeling there was some political interference;  
13 but just what individual --

14 Q. "We have honest police whose  
15 "hands are being tied behind their  
16 "back by the politicians."

17 That is quite a charge; if you can throw  
18 some light on it here I would like you to do  
19 so. Have you some evidence that honest  
20 police were having their hands tied behind  
21 their backs by politicians?

22 A. No first-hand knowledge of that,  
23 my lord.

24 THE COMMISSIONER: All right, go ahead.

25 MR. WILSON: Q. That is all.

26 A. Except, as I say, so far as  
27 the charters were concerned, there is a feeling  
28 that there had been political interference  
29 there, but I have no first-hand knowledge.

30 THE COMMISSIONER: Mr. Hogg?



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INTERVIEW BY MR. ROSE:

Q. Mr. Hogg, as I understand your evidence, you say that three crime syndicates are engaged in a life and death battle for control of the criminal element in the Metro area?

A. I thought it was two or three but I would think three.

Q. And you told us what they were, you said the crime syndicate was Feeley and McDermott and there is Blustein and No.3 a group of Americans trying to move in?

A. Yes. I think I was referring to Ontario, not just the Metropolitan area of Toronto.

Q. All right. Those are the three groups that you are speaking of?

A. Gambling syndicates.

Q. Yes.

A. Did you say they were involved in a life and death struggle for control of the criminal element in the Metro area?

A. Well, the word struggle, I didn't mean they were going around shooting each other. I made that clear that they didn't operate in that way.

Q. No matter which way they operated, what do you mean by a life and death struggle?





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1       What battles or struggles can you tell us  
2       about?

3           A.       I think if you will read a  
4       paragraph farther on, I tried to make it clear  
5       they didn't go around unless they absolutely  
6       had to machine-gunning each other; a struggle  
7       for power between these and someone else.  
8       There is always, I would think, in gambling  
9       groups the effort to expand their activities  
10      and take over the other groups.

11          Q.       Would you care to give me your  
12      knowledge of group one, McBernett and Feeley,  
13      which is one crime syndicate as you defined  
14      it.

15          A.       That's right.

16          Q.       What battle or struggle did they  
17      engage in?

18          A.       Well, they started out on the  
19      Lake Shore; they had Cocksville; and it was  
20      felt they had the other two clubs or had an  
21      interest in them; one in the Peninsula, and  
22      it was an irresistible inference that the  
23      whole purpose of this Stringer brief was to  
24      knock them out by means of the law and take  
25      them over. As I understand it, there was a  
26      group from the States coming up, and I have  
27      that report here, and certainly whoever drew  
28      that up knew what he was talking about. It  
29      is a masterpiece for a prosecutor, in my opinion.  
30



and the other of the same kind as the first

It is a very old and well known fact

that the first of these is the most common

and the second is the most rare

and the third is the most common

and the fourth is the most rare

and the fifth is the most common

and the sixth is the most rare

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and the twenty-second is the most rare

and the twenty-third is the most common

and the twenty-fourth is the most rare





1 "I would further suggest that  
2 "immediate steps be taken to  
3 "cope with this situation  
4 "because as each day passes it  
5 "becomes more involved. If there  
6 "is a lapse of much time many of  
7 "these loopholes which I have  
8 "mentioned will, slowly but surely, be mended.  
9 "My reason for saying this is that  
10 "their financial position strengthens  
11 "each day this operation continues,  
12 "thereby enabling them to hire or  
13 "obtain more experienced legal  
14 "advice, along with other individuals  
15 "helpful in this respect.  
16 " I hope that this brief will  
17 "be helpful to you in your efforts  
18 "to bring this club to a just and  
19 "speedy trial."

20 I would take that to mean that this  
21 group in turn as it makes more money consolidates  
22 its position and is going to obtain some  
23 degree of protection itself from getting  
24 their sources of information.

25 Q. Is this what you mean by a  
26 life and death struggle, or battle?

27 A. That's right. I am not referring  
28 to the killing of somebody but if your business  
29 is out of operation, it is dead.  
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1 Q. That is what you meant?

2 A. Yes.

3 Q. You mean the facts set forth  
4 in the Stringer brief, inferences are drawn  
5 from it that one crime syndicate is trying to  
6 put the others out of business?

7 A. That is right.

8 Q. And you had knowledge of the  
9 Stringer brief in April, 1961?

10 A. I believe that was read into  
11 the preliminary hearing in March, 1961.

12 Q. The Stringer brief was read in?

13 A. Well, the Ramsay brief.

14 Q. Is that where you got knowledge  
15 of it, due to the fact it was read in at the  
16 preliminary hearing?

17 A. That is my recollection.

18 Q. As a result of that being read  
19 in, was that the basis of your speech to  
20 the Liberal Convention in April of 1961?

21 A. That was one feature. Apart  
22 from that, the whole situation in the States  
23 was that these different groups were jockeying  
24 for position and possibly that is what the  
25 police felt was going to occur here. If  
26 I am not mistaken, either Chief Constable  
27 Mackey or Inspector Walker made a statement  
28 to that effect publicly.

29 Q. Do I take it you feel this was --  
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1 it might happen here because of what had  
2 happened in the United States? Is that what  
3 you meant in your speech?

4 A. Yes. I think at one point I  
5 used the phrase, "We are approaching the point  
6 of no return".

7 Q. I take it you say they are  
8 operating in Ontario because of these officials  
9 and police, not something in the future, but  
10 at the present time, in April, 1961?

11 A. I think they were operating at  
12 that time.

13 Q. Are you saying in April, 1961,  
14 one of these crime syndicates that were  
15 operating in the Province was because they had  
16 paid off officials and police? Are you saying  
17 in 1961 when you made that speech that  
18 Feeley and McDermett were operating in the  
19 Province because they had paid off officials  
20 and police?

21 A. It was inconceivable to me that  
22 one, lone police officer could protect this  
23 group.

24 Q. All right. Were you referring  
25 to one constable supplying them with information?  
26 Any particular name?

27 A. I have kept in mind - I don't  
28 know of any name - of course, the name of  
29 Wright, he was charged at that time.  
30



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1 Q. Well, of course, he had been  
2 convicted at that time.

3 A. He had not been convicted.

4 Q. When you say the crime syndicate --  
5 You said that in April 17th, 1961, -- are  
6 you suggesting from that date you had evidence  
7 of your own that Feeley and McDermott made a  
8 bid to any policeman?

9 A. I am saying it is an irrefutable  
10 conclusion that I arrived at, that they would  
11 not be able to operate unless somebody was  
12 not doing the job they were paid to do.

13 Q. You drew the conclusion in April,  
14 1961, Feeley and McDermott must have been  
15 paying off officers and the police, is that  
16 correct?

17 A. I would say the Hedges case  
18 would be applicable there. There was only  
19 one rational conclusion, no other rational  
20 conclusion.

21 Q. Is that your position at the  
22 present time, also?

23 A. They are not operating now, Mr.  
24 Rose.

25 Q. Is it still your position they  
26 were able to operate because they paid off  
27 officials and police?

28 MR. MACKINNON: Is it really important  
29 what this witness thinks?  
30





1 MR. ROSE: I think we are concerned  
2 with it.

3 THE COMMISSIONER: Very much concerned.

4 THE WITNESS: I have no knowledge of  
5 any payment to any particular person.

6 MR. ROSE: Q. Except to Feeley and  
7 ~~McDonough~~?

8 A. That is right, from anyone. If  
9 you want my opinion --

10 Q. Well, I am not concerned with  
11 your opinion, Mr. Hogg.

12 A. Well, when somebody gets \$50,000 --

13 Q. It was just a matter of opinion.  
14 When you say on April 17th, "We have honest  
15 police whose hands are being tied behind  
16 their back by the politicians", is that a  
17 matter of fact or a matter of opinion?

18 A. It is a matter of opinion.

19 Q. Is that still your opinion?  
20 It was not a matter of fact, is that correct?

21 A. That's right.

22 THE COMMISSIONER: Q. Have you any  
23 direct knowledge of that?

24 A. No.

25 MR. ROSE: Q. Yes?

26 A. The Metropolitan Police were having  
27 their problems, they were trying to get an  
28 undercover man in --

29 Q. Well, my understanding is --  
30





THE UNIVERSITY OF CHICAGO

1911

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1 THE COMMISSIONER: I do not think he  
2 is finished.

3 THE WITNESS: They got this undercover  
4 man in there.

5 MR. ROSE: Q. Where?

6 A. Constable Gossey, he is a  
7 detective now, and he passes himself off as  
8 a pilot and is able to get by in this set-up.

9 Q. Where is this?

10 A. Out on the Lake Shore; by passing  
11 himself off as a pilot - he was flying around -  
12 the only way he was able to do that was because  
13 he had been a pilot and recently resigned  
14 and went into the police force; but it was  
15 next to impossible to introduce an undercover  
16 man in because they seemed to smell him out  
17 every time.

18 Q. Where was this? Where on the  
19 Lake Shore?

20 A. The Lake Shore.

21 Q. They seemed to smell them out,  
22 is that your answer about an undercover man  
23 going into the Finnish Club?

24 "We have honest police whose hands  
25 "are being tied behind their back  
26 "by the politicians."

27 A. Yes.

28 Q. Would you tell me what facts  
29 you had on April 17th, 1951, to make that  
30



THE FIRST PART OF THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

1704

Printed by J. Streater, at the

Sign of the Sun in St. Dunstons Church-yard

And by W. Bland, at the Sign of the

Three Mariners in St. Dunstons Church-yard

And by J. Smith, at the Sign of the

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Three Mariners in St. Dunstons Church-yard





1 statement?

2 A. No direct knowledge. I knew  
3 the police were very concerned over this  
4 question of charters. They felt they were  
5 not getting any place; that they knew a good  
6 number of these social clubs, and I am referring  
7 to the gambling ones - and they were not able  
8 to get these charters cancelled and that  
9 they were a gathering place or meeting place  
10 for criminals and people who in the opinion  
11 of the police were ones carrying on illegal  
12 activities. You wouldn't be find one  
13 Finn in the Finnish Club. I doubt whether  
14 you would find a chess player in this club.

15 Q. You said in respect to the  
16 three crime syndicates that there was documents  
17 available showing they made a fantastic  
18 amount of money from gambling.

19 A. That's right.

20 Q. What documents were you referring  
21 to, and I will refer with just one of the  
22 crime syndicates, and that is Feeley and  
23 McDerwott. What documents were ~~made~~ available  
24 <sup>17,</sup>  
25 in April of 1961, to show that particular  
26 club or crime syndicate was making fantastic  
27 amounts of money from gambling?

28 A. Dealing with that one first,  
29 in the case of the trap-door, this was just  
30 one of a number; the police seized documents -



1911

1911

1. The first of the series of lectures was given by Mr. J. H. ...  
2. The second lecture was given by Mr. J. H. ...  
3. The third lecture was given by Mr. J. H. ...  
4. The fourth lecture was given by Mr. J. H. ...  
5. The fifth lecture was given by Mr. J. H. ...  
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16. The sixteenth lecture was given by Mr. J. H. ...  
17. The seventeenth lecture was given by Mr. J. H. ...  
18. The eighteenth lecture was given by Mr. J. H. ...  
19. The nineteenth lecture was given by Mr. J. H. ...  
20. The twentieth lecture was given by Mr. J. H. ...  
21. The twenty-first lecture was given by Mr. J. H. ...  
22. The twenty-second lecture was given by Mr. J. H. ...  
23. The twenty-third lecture was given by Mr. J. H. ...  
24. The twenty-fourth lecture was given by Mr. J. H. ...  
25. The twenty-fifth lecture was given by Mr. J. H. ...  
26. The twenty-sixth lecture was given by Mr. J. H. ...  
27. The twenty-seventh lecture was given by Mr. J. H. ...  
28. The twenty-eighth lecture was given by Mr. J. H. ...  
29. The twenty-ninth lecture was given by Mr. J. H. ...  
30. The thirtieth lecture was given by Mr. J. H. ...





1 not seized them, but they had a tape recorder  
2 going under the trap-door in the Finnish Club.  
3 As I understand it, the Finnish Club was one  
4 of McDermott and Feeley's satellite organizations  
5 and catered in the most part not to the  
6 wealthiest clientele but the second or third  
7 echelon. I forget now just what amount of  
8 money was being made at that time, but to me  
9 it was a fantastic amount, and that would be  
10 a matter of public record. You can calculate  
11 from the total number of bets that the profit  
12 would be.

13 Q. You say there were certain  
14 documents seized in a raid?

15 A. Yes, betting slips.

16 Q. That would be a total amount  
17 of bets over a period?

18 A. And from multiplication you  
19 can figure it out. The police seized a  
20 quantity of documents. I think the magistrate  
21 found that the profit, not the gross but the  
22 profit, was somewhat over one million dollars  
23 annually. That is a judicial finding.

24 Q. Let us get back to Feeley and  
25 McDermott for the moment. What documents  
26 were seized in the Finnish Club that showed  
27 they made a fantastic amount of money?

28 A. I would think they would be  
29 the betting slips.  
30







1 Q. Do you know or don't you?

2 A. No. The transcript of evidence  
3 would show, plus the tape that was recorded  
4 showed the amount of bets coming in. That  
5 was what I was referring to as the documents;  
6 some concrete evidence.

7 Q. I gather in April, 1961, you had  
8 access to either the documents or the tape,  
9 is that correct?

10 A. Had access to them? I saw them  
11 during the trial. I prosecuted the case.

12 Q. How is it determined what the  
13 amount of profit was that was made on the  
14 all amount of bets?

15 A. I just forget the figure now,  
16 but the transcript would show it.

17 Q. Did somebody take a percentage  
18 out of the air and say you have to make such  
19 a percentage on this amount of betting?

20 A. As I recall it, in evidence I  
21 stated as a fact what I had been advised by  
22 the police officer, but I didn't have anything  
23 to do with the profit, percentage of profit.  
24 That would be made by, I believe, Magistrate  
25 Addison, who took over from there and did his  
26 own calculations. He apparently had a number  
27 of cases like that so he was aware of the  
28 background.

29 Q. He knew of one way where he could  
30







1 compute them?

2 A. Apparently it doesn't vary too  
3 much.

4 Q. Insofar as these crime syndicates  
5 are concerned, you mean people who had control  
6 of gambling in Ontario?

7 A. A group of individuals who were  
8 carrying out continuous transgressions of the  
9 Criminal Code, and offences.

10 Q. For example - do you have one?

11 A. Yes. I don't mean they gamble  
12 themselves, I mean they run a gambling  
13 establishment.

14 Q. Well, I didn't quite understand  
15 what you were saying, I understood you said  
16 the crime syndicates themselves who had control  
17 of gambling and they would move about getting  
18 control of the criminal element and after that  
19 they would move to other things.

20 A. That's right.

21 Q. You heard the evidence given here  
22 that Feeley and McDermott evidently started  
23 off with the Centre Road Club in 1952 or  
24 1953.

25 A. I haven't heard them but if I  
26 can anticipate you, any suggestion that Feeley  
27 and McDermott were getting into any other type  
28 of illegal activity, I am not aware of it.

29 Q. No suggestion at all?

30

[illegible]

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A. Not that I am aware of.

Q. All right. Blustein. What other type of criminal activities did this second group get into?

A. I would imagine if they followed the pattern established in the States - there is some hookup here I would think, because the names of these people were involved with criminals, and so on. Apparently the authorities in the States feel that once they consolidate their position they bankroll other activities.

Q. Are you able to tell me of any other criminal activity that Blustein and his group entered into as a result of having one of these syndicates?

A. You would have to ask the police.

Q. You don't know?

A. No.

Q. In respect to your speech of 1951, was to a large extent suspicion, conjecture and speculation as to what might happen in the future?

A. Yes, absolutely, so far as any other activity was concerned.

Q. This was a political speech made to the Liberal Association Convention?

A. It wasn't made to the Conservatives.

Q. Are you the same person that told





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| 2  | 2. The second of the series.          |
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| 26 | 26. The twenty-sixth of the series.   |
| 27 | 27. The twenty-seventh of the series. |
| 28 | 28. The twenty-eighth of the series.  |
| 29 | 29. The twenty-ninth of the series.   |
| 30 | 30. The thirtieth of the series.      |



1 Mr. Bull that you would be the next Crown  
2 Attorney of Ontario?

3 A. The only thing, he said to me  
4 the morning after that when he came down --  
5 I was in the City Hall and said the only time  
6 I was worried was --

7 Q. Did you tell Mr. Bull you would  
8 be the next Attorney-General of Ontario before  
9 he would be a Crown Attorney?

10 A. I don't recall that, but if he  
11 said that, I wouldn't question it. It  
12 would be said in a facetious role. When you  
13 walked out of here one day you said you were  
14 going to a Mafia meeting.

15  
16  
17  
18  
19 EXAMINED BY MR. MacKINNON:

20  
21 Q. Mr. Hogg, at the time you gave  
22 this speech, the preliminary hearing had been  
23 concluded?

24 A. Yes, sir.

25 Q. And you were interested enough  
26 in this preliminary hearing to get a transcript  
27 of it?

28 A. Yes, sir. I forgot about that,  
29 that's right.



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1  
2 Q. You were kind enough to lend it  
3 to me and this commenced on March 21st, 1961.  
4 Did you sit through this preliminary hearing  
5 yourself?

6 A. Almost hours.

7 Q. And the Stringer brief was read  
8 into the record there. I believe so. I am  
9 sure it was.

10 Q. Yes, page 304 of the transcript  
11 was read in. Also, when you gave this speech  
12 were you aware that Blustein had been beaten  
13 up?

14 A. Yes.

15 Q. Had you been advised that he  
16 at any time prior to this beating up had  
17 gone to the police seeking protection to carry  
18 a revolver?

19 A. I think so.

20 Q. Were you aware of the reason he  
21 gave for wanting this protection?

22 A. I had heard that he was in  
23 bodily fear.

24 Q. Was it from some opposition?

25 A. From some opposition.

26 Q. Yes, and you ~~make~~ mentioned that  
27 Chief Mackey had made some statements about  
28 the syndicates being in competition, is that  
29 correct?

30 A. That's correct.



1. The first question is whether the defendant is guilty of the crime charged. The evidence shows that the defendant was present at the scene of the crime and that he was the one who fired the shot which killed the victim. The jury is instructed to find the defendant guilty if they believe the evidence beyond a reasonable doubt.

2. The second question is whether the defendant is entitled to a lesser sentence. The evidence shows that the defendant has no previous criminal record and that he has been employed for several years. The jury is instructed to find the defendant entitled to a lesser sentence if they believe the evidence beyond a reasonable doubt.

3. The third question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.

4. The fourth question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.

5. The fifth question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.

6. The sixth question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.

7. The seventh question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.

8. The eighth question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.

9. The ninth question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.

10. The tenth question is whether the defendant is entitled to a full pardon. The evidence shows that the defendant has been employed for several years and that he has been a good citizen. The jury is instructed to find the defendant entitled to a full pardon if they believe the evidence beyond a reasonable doubt.



1 Q. Were you aware of these statements -  
2 maybe the best way of getting at them is read  
3 from Mr. Cudney's evidence. He is talking  
4 about an interview he had with Chief Mackey  
5 and on page 1116 of his evidence:

6 "And I remember Chief Mackey was  
7 "quite concerned with it, that  
8 "syndicates had formed, and that  
9 "it was something which should  
10 "be looked after right away."

11 And then at page 1120, line 21:

12 "MR. HOGG: Q. Did he indicate  
13 "to you, sir, that if something  
14 "was not done very quickly there  
15 "was going to be quite a problem,  
16 "that the syndicates to some extent  
17 "were in competition with each  
18 "other?"

19 "A. Yes, he did."

20 Were you aware at the time you gave  
21 the speech that higher police officers felt  
22 these things were so?

23 A. I'd had a number of discussions  
24 with them and I knew that they were very  
25 concerned with the problem because of the  
26 fact that what impressed me most was when  
27 a person of their calibre would say they  
28 regarded this as their greatest problem.  
29

30 Q. I take it also before you gave







1 the speech you had read the articles written  
2 by Joak Thomas, written in the Toronto Star?

3 A. Yes, I had spoken to him about  
4 it.

5 Q. Were these things in your mind  
6 when you gave the speech?

7 A. I had some first-hand experience  
8 of assaults taking place of people who  
9 apparently had gambling debts to pay and  
10 wouldn't or couldn't pay them. Most of these  
11 were out in the New Toronto area.

12 Q. Was the name of Peelay ever  
13 connected with these?

14 A. I never saw any more of Papalia,  
15 but there was another man who apparently owed  
16 a gambling debt and he drove on to a gas  
17 station almost right across from the police  
18 car at the end of the street.

19 Q. Where?

20 A. In New Toronto.

21 Q. Yes?

22 A. He was hit over the head with a  
23 hammer and he came into the police station  
24 or was brought in and a charge was laid  
25 against the man who assaulted him. There was  
26 no question at that time but to arrest this  
27 man and at that time he wanted a permit to  
28 carry a pistol. So, a charge was laid and  
29 this was one of the very few times in my six  
30



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1 years that I would interview a witness  
2 personally. There was no question in his  
3 mind at that time that he could identify the  
4 man. It was broad daylight in a gas station  
5 and he hit him with a hammer; but by the time  
6 he got into court he couldn't remember a thing.

7 THE COMMISSIONER: Q. He said he  
8 couldn't remember a thing?

9 A. He said he couldn't remember a  
10 thing.

11 MR. MACKINNON: Q. That hammer had  
12 given him retrograde amnesia?

13 A. I had told him a charge of public  
14 mischief would be laid after he turned his  
15 story around completely. I thought it  
16 would be a bad thing if these people were  
17 more scared of these hoodlums than law. As  
18 a result of this he took the attitude it  
19 didn't matter what happened to him as far  
20 as court proceedings were concerned. He  
21 wasn't going to testify and he didn't.

22 THE COMMISSIONER: Q. Did he identify  
23 his assailant to you?

24 A. Yes, he did. He swore out  
25 an Information and the police were there and  
26 I was there and the Chief talked to him after  
27 a while, and I did too. This apparently was  
28 a not too uncommon thing; but that is only  
29 because that sticks in my mind.  
30



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1 Q. Did he advise you this man  
2 was trying to collect a gambling debt?

3 A. I think it was a collection of  
4 some money. He had had calls at his house  
5 two or three times previously. I don't know  
6 whether this man was connected - I have no  
7 knowledge of this - that he was connected  
8 with Feeley and McDermott.

9 Q. Well, perhaps you might give  
10 us the names.

11 A. I can't remember the name of  
12 the accused.

13 Q. Did his name ever appear in this  
14 Commission?

15 A. I believe his name was Schwartz.

16 Q. Is he related to Blustein?  
17 Is he Blustein's brother-in-law?

18 A. I believe so, sir. He went  
19 to Kingston Penitentiary for a narcotics  
20 conviction.

21 Q. That is all, thank you.

22 ---The witness retired.  
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ARCHIBALD F. SHEPPARD, sworn

EXAMINED BY MR. WILSON:

Q. You are a practising solicitor  
in the City of Niagara Falls?

A. That's correct.

Q. Is this file that I produce to  
you your file covering the Ramsay Club which  
was handled, so far as the annual returns  
are concerned, by the firm originally of  
Martin, Calvert and Matthews and latterly  
Martin, Calvert and Company?

A. Yes.

Q. Will you tell us when you opened  
this file?

A. The file was opened on March 28th,  
1955.

Q. And on whose instructions?

A. Albert Iannuzzelli.

Q. What was the address you had  
for him?

A. 1737 Lovell Avenue, Niagara  
Falls, Ontario.

Q. Just to fix the time during which  
work was done as recorded in the file, what  
is the last entry in that file?

A. The last entry is a letter from  
the Deputy Provincial Secretary dated October  
21st, 1959.



REPRODUCTION OF DOCUMENTS

# REPRODUCTION OF DOCUMENTS

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1 Q. I notice that in 1953 the first  
2 concern of your client was about the filing  
3 of annual returns for earlier years? You  
4 communicated with another solicitor?

5 A. Yes, that is correct.

6 MR. ROSE: I take the position in the  
7 event this witness is going to disclose any  
8 information of this kind, that it is privileged  
9 and I would object to this witness being asked  
10 or answering as to what his client said to  
11 him.

12 THE COMMISSIONER: I do not know what  
13 it does disclose.

14 MR. ROSE: I thought I might bring my  
15 client's position to your attention.

16 MR. WILSON: I do not see how it is  
17 privileged.

18 MR. ROSE: I think my friend Mr. Wilson  
19 will have to establish (a) that as a result  
20 of instructions given by the client that a  
21 crime was being committed.

22 THE COMMISSIONER: I do not know what  
23 this file is, I have not seen it.

24 MR. ROSE: Neither have I.

25 THE COMMISSIONER: Your objection might  
26 be premature.

27 MR. ROSE: An objection must be made at  
28 the beginning because otherwise the matter  
29 might come up before you could object.  
30



The first part of the document contains a list of names and titles, followed by a detailed account of the proceedings of the meeting. The text is written in a formal, historical style, typical of 19th-century official records. It describes the attendance, the topics discussed, and the resolutions passed during the session. The account is thorough, providing a clear picture of the events that took place.

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1 THE COMMISSIONER: Well, we will see  
2 as we go along. Mr. Sheppard was a solicitor  
3 and I would ask if I might see the file before  
4 the questions are asked.

5 MR. ROSE: I might have to object.

6 THE COMMISSIONER: You may have to.

7 MR. WILSON: Q. I take it that all  
8 of the matters covered by the documents in  
9 this file represent the work done on the  
10 instructions of Albert Lammuzelli?  
11

12 A. That is correct.

13  
14  
15 (Page 12200 follows)





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MR. WILSON: Q. Now, at the time you first received your instructions where was the head office of the Ramsay Club?

A. I don't believe that I can quite answer that. My communications were directly with Mr. Iannuzzelli and the only document I have in the file, which is simply a correspondence file --

Q. Yes?

A. -- is a duplicate of the annual summaries filed under The Companies Act of the Dominion of Canada, in which it just says the city or town -- at least, the address of the head office is given as Port Erie.

Q. Coming back to a question I asked you earlier: Prior to your instructions from Mr. Iannuzzelli had you handled the filing of annual summaries on behalf of the Ramsay Club?

A. (No audible answer.)

Q. That had been done by whom?

A. I have no knowledge of that.

Q. I see you have a communication --

A. I was requested by Mr. Iannuzzelli to correspond with a solicitor in Montreal, to whom I wrote twice and received no answer.

Q. Now, on the instructions of Mr. --



1914

THE SECRETARY OF THE INTERIOR

WASHINGTON, D. C.

DEAR SIR:

I have received your letter of the 12th inst.

and am sorry to hear that you are

not satisfied with the results of the

work done by the Commission.

I am sure that

the Commission

is doing its best to

accomplish its

task and I am

sure that you

will be satisfied

with the results

of the work done

by the Commission

and I am sure

that you will

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of the work done

by the Commission

and I am sure





1 THE COMMISSIONER: Just a moment.

2 Q. Let me see the letters to the  
3 Montreal solicitor.

4 A. This is one (indicating), and it  
5 was followed up with this one (indicating).

6 Q. That was followed by another one?

7 A. Just this (indicating).

8 Q. You wrote them under date of  
9 January 14, 1955 -- or, wrote him under date  
10 of January 14, 1955, and again under date of  
11 January 25, 1955, and received no reply to  
12 either letter. Quoting from your first letter --  
13 The attorney in Montreal is described as  
14 Mario Lattoni, 60 St. James Street West,  
15 Montreal. You open your letter by saying:

16 "Our clients, the present  
17 "directors of the above incorporated  
18 "club are concerned about the non-  
19 "filing of the 1953 annual returns."

20 How did you identify your clients as the  
21 directors of the above incorporated club?

22 A. At the time of writing I had no  
23 knowledge of the officers and I was writing  
24 in an attempt to find out what information  
25 I (sic) had, and I think that statement is  
26 made rather loosely, based on an assumption  
27 that Mr. Iannuzzelli had a position with the  
28 Ramsay Club.

29 Q. Had anybody else conferred with  
30





1 you except --

2 A. No, not to my recollection.

3 Q. -- Albert Iannuzzelli? You  
4 communicated with this Montreal attorney on  
5 Iannuzzelli's instructions?

6 A. That is correct.

7 Q. To get what?

8 A. To get sufficient information in  
9 order to complete the annual summaries under  
10 the Dominion Companies Act.

11 Q. How did it come about that Lattoni  
12 had that information?

13 A. That was a name given to me by  
14 Mr. Iannuzzelli. He had no information  
15 himself.

16 Q. All right.

17 MR. WILSON: Q. What acts did you perform  
18 on behalf of the Ramsay Club on the instructions  
19 of Mr. Albert Iannuzzelli?

20 A. From a perusal of this file it  
21 would appear that I obtained forms from the  
22 Department of the Secretary of State and  
23 filed annual summaries for the year ended  
24 March -- Do you want these?

25 Q. Yes, the years, please.

26 A. The year ended March 31, 1953;  
27 the year ended March 31, 1955; March 31, 1956,  
28 and March 31, 1957 and 1958.

29 Q. From whom did you receive the  
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1 necessary information in order to prepare and  
2 have completed these annual summaries?

3 A. Mr. Iannuzzelli.

4 Q. Mr. Albert Iannuzzelli?

5 A. Mr. Albert Iannuzzelli.

6 Q. And who paid you for the legal  
7 services rendered in these years?

8 A. I don't have our accounting  
9 records, as to where the money, whether it was  
10 by cheque or cash, where it came from.

11 Q. To whom was the account rendered  
12 in each case?

13 A. I think in all cases to Mr.  
14 Iannuzzelli. Yes, that's -- .

15 THE COMMISSIONER: What was the name of  
16 the first Iannuzzelli who gave evidence here?

17 MR. ROSE: Albert.

18 THE COMMISSIONER: What is the other  
19 brother's name?

20 MR. ROSE: Louis.

21 MR. WILSON: Q. When did you sever  
22 relations -- that is, as a solicitor -- with  
23 Mr. Albert Iannuzzelli?

24 A. Prior, I think -- Several  
25 years prior to the dates given in this file  
26 our firm had formerly been known as Martin,  
27 Calvert & Matthews. Subsequently there  
28 was a change in the firm name and it was  
29 changed to Martin, Calvert, Bates & Sheppard.  
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1 That was in 1955, I believe. So that I performed  
2 no services for Mr. Iannuzzelli subsequent to  
3 1955, with the exception of these particular  
4 summaries. For some reason he came back  
5 to me. Usually he would speak to my  
6 secretary and I wouldn't see him.

7 Q. After 1958 did you have any  
8 further work in connection with the Ramsay  
9 Club on the instructions of Mr. Iannuzzelli?

10 A. No.

11 Q. So that later on it was just a  
12 coincidence your firm was retained -- or,  
13 another partner in your firm was retained  
14 to take steps to bring about the forfeiture  
15 of the Ramsay Club charter?

16 A. That is correct, on instructions  
17 of the Attorney General for Canada.

18 THE COMMISSIONER: Mr. Rose, any  
19 questions?

20 MR. ROSE: Yes.

21 I would like to see those annual summaries,  
22 if I may.

23 THE COMMISSIONER: Q. Have you a copy?

24 A. It's just a correspondence file,  
25 Mr. Rose; with this one exception, a photostat  
26 of the one for the year 1958.

---



EXAMINED BY MR. ROSE:

Q. I see in 1958 the directors of the company are Maglio, Edwards, Del Duca, and, what, Bennett, four directors?

A. Yes.

Q. Can you give me the names of the -- Who is this (indicating)? Who is Tavano? I see the one in 1958, it was signed by Tavano and Maglio. Was Tavano a director? Evidently he was. He was the secretary of the club?

A. Whether or not he was a director I don't know. He refers to himself as the secretary.

Q. Do you have in your documents the persons named as directors in 1953, 1954, 1955, 1956 and 1957?

A. No, I am sorry, I haven't. I can only assume the reason for that is, as you know, the Dominion Companies summary may be filed with the Provincial Secretary; the endorsed duplicate is for the two.

Q. Does the name Ralph Agretti mean anything?

A. No.

Q. I gather while Albert Iannuzzelli asked you to make these ~~returns~~ returns he was neither a director nor an officer of the Ramsay Club, as far as you were concerned?







1 A. No.

2 Q. Whether he was acting personally  
3 or on behalf of some one else, you do not  
4 know?

5 A. No; that is correct.

6 Q. While the bill for your fees  
7 was rendered to Mr. Iannuzzelli you cannot  
8 tell us who paid the bill?

9 A. No, I am sorry, I can't.

10 Q. Thank you.

11 THE COMMISSIONER: Q. Can you say whether  
12 or not those letters to which you got no  
13 reply were returned undelivered? Obviously  
14 the first one was not or you would not have  
15 written the second one?

16 A. That was to be my answer. No.

18

19

20

21

EXAMINED BY MR. MACKINNON:

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Q. We have had evidence here,  
witness, this Ramsay Club re-opened in the  
fall of 1959. I take it your evidence is  
that you were not involved as a solicitor  
acting for whatever people might have  
commenced operations there in the fall of '59?

A. That is correct. In looking  
through that file I am not really too sure







1 who retained me. I presume it would be Mr.  
2 Iannuzzelli.

3 Q. Were you requested orally by any  
4 other lawyer to forward any material to him  
5 in the fall of 1959?

6 A. Yes, I think that is a fair  
7 presumption from the correspondence that  
8 appears.

9 Q. Just to make it a little more  
10 particular: From looking at the records  
11 of the State Department it appears the law  
12 firm of Fleming, Harris, Kerwin, Barr &  
13 Hildebrand of St. Catharines commenced to  
14 act for the Ramsay Club in the late summer  
15 or fall of 1959. Did you have any discussions  
16 with any one in that firm?

17 A. No.

18 Q. As to the records of this club?

19 A. No.

20 Q. Were you advised or were you  
21 aware at the time you filed the returns  
22 for this club as to what the objects of the  
23 Ramsay Club, as appears in the charter,  
24 were?

25 A. No, except that I must have had --  
26 I obviously had the charter at one time and  
27 I presume I looked at it.

28 Q. It was to carry on hunting and  
29 fishing in Quebec, New Brunswick and other  
30





1 places in Canada. Does that strike a chord?

2 A. Yes.

3 Q. And under the charter itself they  
4 were not allowed to provide a club house. Do  
5 you recall that?

6 A. No, my recollection does not  
7 extend that far.

8 Q. You were not requested, I take  
9 it, to seek an amendment to the letters  
10 patent?

11 A. No.

12 Q. To allow them to operate and  
13 maintain a club house?

14 A. No.

15 Q. Thank you.

16 MR. WILSON: Q. That is all, Mr. Sheppard.

17  
18 ---The witness withdraws.

19

20

21

22

23 THE COMMISSIONER: We will have a recess.

24 MR. WILSON: Mr. Commissioner, we will be  
25 reconvening and sitting in camera at that  
26 time.

27 THE COMMISSIONER: Yes, I know the situation.

28 There will be no further public sessions  
29 this afternoon.

30 ---Whereupon the public sessions of the hearing  
were adjourned at 3.45 o'clock p.m., on Tuesday,  
9th October, 1962.





1. The first section of the report is devoted to a general

2. description of the project and its objectives.

3. The second section contains a detailed account of the

4. methods used in the investigation and the results obtained.

5. The third section discusses the significance of the findings

6. and their implications for future research.

7. The fourth section provides a summary of the work done

8. and a list of references.

9. The fifth section contains a list of appendices.

10. The sixth section contains a list of figures.

11. The seventh section contains a list of tables.

12. The eighth section contains a list of abbreviations.

13. The ninth section contains a list of symbols.

14. The tenth section contains a list of units.

15. The eleventh section contains a list of acronyms.

16. The twelfth section contains a list of footnotes.

17. The thirteenth section contains a list of references.

18. The fourteenth section contains a list of appendices.

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26. The twenty-second section contains a list of references.

27. The twenty-third section contains a list of appendices.

28. The twenty-fourth section contains a list of figures.

29. The twenty-fifth section contains a list of tables.

30. The twenty-sixth section contains a list of abbreviations.

31. The twenty-seventh section contains a list of symbols.

















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